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B I L L S,

PUBLIC:

FIVE VOLUMES.

—(5.)—

TELEGRAPHS

TO

WRITS PROHIBITION.

Session

5 February —— 28 *July* 1863.

VOL. V.

1863.

BILLS;

1863.

FIVE VOLUMES:—CONTENTS OF THE

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SCHEDULE.

A

B I L L

TO

Regulate the Exercise of Powers under Special Acts for the Construction and Maintenance of Telegraphs.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited as The Telegraphs Act, 1863. Short Title.

2. This Act shall apply— Application of Act to all future Telegraph Companies, and also to all existing Telegraph Companies, but not so as to affect an existing Company in respect of past Exercise of Powers.

(1.) To every Company to be hereafter authorized by Special Act of Parliament to construct and maintain Telegraphs:

(2.) To every Company already so authorized by any such Special Act, notwithstanding anything in any such Special Act contained, but so that, except as herein-after expressly provided, nothing in this Act shall be deemed to give to any Owner, Lessee, or Occupier of Land, or other Person, or to any Body, as against any such Company as last aforesaid, in respect of anything already lawfully done by such Company under such Special Act, any further or other Right, Power, Jurisdiction, Authority, or Remedy than he or they would have had if this Act had not been passed.

Interpretation.

3. In this Act—

The Term "the Company" means any Company to be hereafter authorized as aforesaid (herein-after distinguished by the Term "future Company"), or any Company already so authorized (herein-after distinguished by the Term "existing Company"):

The Term "Telegraph" means a Wire or Wires used for the Purpose of Telegraphic Communication, with any Casing, Coating, Tube, or Pipe inclosing the same, and any Apparatus connected therewith for the Purpose of Telegraphic Communication:

The Term "Post" means a Post, Pole, Standard, Stay, Strut, or other aboveground Contrivance for carrying, suspending, or supporting a Telegraph:

The Term "Work" includes Telegraphs and Posts:

The Term "Street" means a public Way or Street, Square, Alley, or Court, whether a Thoroughfare or not, situate within a City, Town, or Village, or on Land continuously built upon, or a public Highway for Carriages, within or passing through a City, Town, or Village, or passing through or along Land continuously built upon, including the Footpaths of such Way, Street, Square, Alley, Court or Highway, and any Bridge forming Part thereof:

The Term "public Road" means a public Highway for Carriages not being a Street, including the Footpaths of such public Highway, and any Bridge forming Part thereof, and also any Land by the Side and forming Part of such a public Highway, but not including a Railway or Canal:

The Term "Railway" includes any Station, Work, or Building connected with a Railway:

The Term "Canal" includes Navigation or navigable River, and any Dock, Basin, Towing-path, Wharf, Work, or Building connected with a Canal:

The Term "Land" does not include a Street or public Road, or Land by the Side and forming Part of a Street or public Road:

The Term "Body" includes a Body of Trustees or Commissioners, Municipal Corporation, Board, Vestry, Company, or Society, whether incorporated or not:

The Term "Person" includes Corporation Aggregate or Sole:

The Term "the Board of Trade" means the Lords of the Committee of Her Majesty's Privy Council for the Time being appointed for the Consideration of Matters relating to Trade and Foreign Plantations:

The Term "Justice" means Justice of the Peace acting for the Place where the Matter requiring the Cognizance of any such Justice arises, and not being interested in the Matter:

The Term "Two Justices" means Two or more Justices met and acting together, or any One Police Magistrate or Justice having

having by Law Authority to act alone for any Purpose with the Powers of Two Justices:

The Term "Sheriff" means the Sheriff Depute of the County or Ward of a County in Scotland, and the Steward Depute of the Stewartry in Scotland, in which the Matter submitted to the Cognizance of the Sheriff arises, and includes the Substitutes of such Sheriff Depute and Steward Depute respectively.

Recovery of Damages, Costs, Expenses, and Penalties.

4. The Provisions of The Railways Clauses Consolidation Act, 1845, with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices, and the Provisions of The Railways Clauses Consolidation (Scotland) Act, 1845, with respect to the Recovery of Damages not specially provided for, and to the Determination of any other Matter referred to the Sheriff, or to Justices, shall, so far as the same are applicable, and save so far as the same are inconsistent with any express Provision of this Act, be incorporated with this Act; and Terms used in those Provisions shall be interpreted as the same Terms are directed to be interpreted in this Act.

Provisions as to Notices and Consents.

5. The following Provisions shall apply to Notices and Consents under this Act:—

(1.) Every Notice or Consent shall be in Writing or Print, or partly in Writing and partly in Print:

(2.) Any Notice to or by a Body having the Controul of a Street or public Road may be given to or by the Secretary, Clerk, or Surveyor, or other like Officer (if any) of such Body:

(3.) Any Consent may be given on such pecuniary or other Terms (being in themselves lawful), or subject to such Stipulations or Conditions as to the Time or Mode of Execution of any Work, or as to the Removal or Alteration, in any event, of any Work, or as to any other thing connected with or relative to any Work, as the Person or Body giving Consent thinks fit:

(4.) The Absence of the Dissent in Writing of the Person or Body whose Consent is in any Case required shall at the End of *Fourteen* Days after Service of Notice on such Person or Body, or in the Case of a Public Body at the End of *Fourteen* Days after the First Meeting of such Body subsequently to Service of Notice, be equivalent to such Consent.

General Powers of Company.

General Description of Works which a Telegraph Company may execute, subject to

6. Subject to the Restrictions and Provisions herein-after contained, the Company may execute Works as follows:—

(1.) They may place and maintain a Telegraph under any Street or public Road, and may alter or remove the same:

the Restrictions of this Act.

(2.) They may place and maintain a Telegraph over, along, or across any Street or public Road, and place and maintain Posts in or upon any public Road, and may alter or remove the same:

(3.) They may, for the Purposes aforesaid, open or break up any Street or public Road, and alter the Position thereunder of any Pipe (not being a Main) for the Supply of Water or Gas:

(4.) They may place and maintain a Telegraph and Posts under, in, upon, over, along, or across any Land or Building, or any Railway or Canal, or any Estuary or Branch of the Sea, and may alter or remove the same:

But in the Exercise of such Powers the Company shall do as little Damage as may be, and shall make full Compensation to all Persons interested for all Damage sustained by them by reason or in consequence of the Exercise of such Powers (such Compensation to be ascertained, paid, and enforced in manner provided in The Lands Clauses Consolidation Act, 1845, and The Lands Clauses Consolidation (Scotland) Act, 1845, as the Case may require, with respect to Compensation for Lands taken under those Acts respectively), and shall also cause as little Detriment or Inconvenience as Circumstances admit to the Company or Person to or by whom any such Water or Gas Pipe as aforesaid may belong or be used.

Restrictions as to Telegraphs under Streets and public Roads.

For underground Works in Metropolis and large Towns Consent of Street Authority requisite.

7. The Company shall not place a Telegraph under any Street within the Limits of the District over which the Authority of the Metropolitan Board of Works extends, or of any City or Municipal Borough or Town Corporate, or of any Town having a Population of *Ten* thousand Inhabitants or upwards (according to the latest Census),—or under any Land within such respective Limits laid out as a Street, although not dedicated to public Use,—except with the Consent of the Persons having the Controul of the Streets within such respective Limits.

Depth, Course, &c. of underground Works to be agreed on between Street or Road Authority and Company, or else to be determined by Justices or Sheriff.

8. Where the Company intends to place a Telegraph under a Street or public Road, the Depth, Course, and Position at and in which the same is to be placed shall be settled between the Company and the following Bodies:

The Body having the Controul of the Street or public Road:

The Body having the Controul of the Sewerage or Drainage thereunder:

The Body being the Proprietors or having the Controul of the Mains and Pipes thereunder for the Supply of Water or Gas:

But if such Settlement is not come to with any such Body, the following Provisions shall take effect:—

(1.) The

(1.) The Company may give to such Body a Notice specifying the Depth, Course, and Position which the Company desires:

(2.) If the Body to whom such Notice is given does not, within *Ten Days* after receiving such Notice, give to the Company a Counter-Notice objecting to the Proposal of the Company, and specifying the Depth, Course, and Position which such Body desires, they shall be deemed to have agreed to the Proposal of the Company:

(3.) In the event of ultimate Difference between the Company and such Body, the Depth, Course, and Position shall be determined in England or Ireland by Two Justices, and in Scotland by the Sheriff.

Underground Tubes to have distinguishing Mark.

9. Every underground Tube or Pipe of the Company shall be so marked as to distinguish it from Tubes or Pipes of every other Company.

Restrictions as to aboveground Works affecting Streets and public Roads.

No Telegraph over Streets, except above Houses, and with Consent of Street Authority.

10. The Company shall not place a Telegraph over, along, or across a Street, except as follows:

(1.) At a Height greater than that of the Buildings adjoining to the Street:

(2.) With the Consent of the Persons having the Controul of the Street.

Posts not to be placed in Streets.

11. The Company shall not place any Post in or upon any Street.

For Works over or on public Roads, Consent of Road Authority requisite.

12. The Company shall not place a Telegraph over, along, or across a public Road, or a Post in or upon a public Road, except with the Consent of the Body having the Controul of such public Road.

Removal of Works affecting Streets and public Roads.

In case of Abandonment of Works, &c., Street or Road Authority may remove them.

13. In the following Cases—

(1.) If any Part of the Company's Works affecting a Street or public Road is abandoned, or suffered to fall into Disuse or Decay;

(2.) If the Company is dissolved, or ceases for *Six* Months to carry on Business,

the Body having the Controul of the Street or public Road affected (in the former Case) by such Part of the Company's Works as aforesaid, or (in the latter Case) by any of the Company's Works, may give Notice to the Company, or leave a Notice at the last known Office or Place of Business of the Company, to the Effect that if such Works (being Works affecting a Street or public Road) as are

specified in the Notice are not removed within *One Month* after the Notice given or left, the same will be removed by the Body having such Controul; and in every such Case, unless such Works are removed accordingly, the Body having such Controul may, without Prejudice to any Remedy against the Company, remove such Works, or any Part thereof, and sell the Materials thereof or of any Part thereof, and, by and out of the Proceeds of such Sale, reimburse themselves their Expenses relative to such Notice, Removal, and Sale, and consequent thereon, and may recover any unpaid Residue of such Expenses from the Company. The present Section shall apply to an existing Company, as well as to a future Company.

Restrictions as to the Opening of Streets and Public Roads.

Streets and public Roads to be opened only after Notice and under Superintendence.

14. Subject to any special Stipulations made with a Company by the Body having the Controul of a Street or public Road, where the Company proceed to open or break up a Street or public Road, the following Provisions shall take effect:—

(1.) The Company shall give to the Bodies between whom respectively and the Company the Depth, Course, and Position of a Telegraph under such Street or public Road are herein-before required to be settled or determined, Notice of their Intention to open or break up such Street or public Road, specifying the Time at which they will begin to do so, —such Notice to be given, in the Case of an underground Work, *Ten Days*, and in the Case of an aboveground Work *Three Days*, at least, before the Commencement of the Work; except in case of Emergency, in which Case Notice of the Work proposed shall be given as soon as may be after the Commencement thereof:

(2.) The Company shall not (save in case of Emergency) open or break up any Street or public Road, except under the Superintendence of the Bodies to whom respectively Notice is by the present Section required to be given, unless such Bodies respectively refuse or neglect to give such Superintendence:

(3.) The Company shall pay all reasonable Expenses to which such Bodies respectively may be put on account of such Superintendence.

Streets and public Roads to be restored and kept in repair for Six Months; Penalty.

15. Subject to any such special Stipulations as aforesaid, after the Company have opened or broken up a Street or public Road they shall be under the following further Obligations:—

(1.) They shall, with all convenient Speed, complete the Work on account of which they opened or broke up the same, and fill in the Ground, and make good the Surface, and generally

rally restore the Street or public Road to as good a Condition as that in which it was before being opened or broken up, and carry away all Rubbish occasioned thereby:

(2.) They shall in the meantime cause the Place where the Street or public Road is opened or broken up to be fenced and watched, and to be properly lighted at Night:

(3.) They shall pay all reasonable Expenses of keeping the Street or public Road in good Repair for *Six Months* after the same is restored, so far as such Expenses shall be occasioned by such opening or breaking up.

If the Company fails to comply in any respect with the Provisions of the present Section, they shall for every such Offence (without Prejudice to the Right of any Person to enforce specific Performance of the Requirements of this Act, or to any other Remedy against them,) be liable to a Penalty of not more than *Twenty Pounds*; and any such Penalty shall (notwithstanding anything herein-before, or in any Act relating to Municipal Corporations, or to the Metropolitan Police Force, or in any other Act, contained) go and belong to the Body having the Controul of the Street or public Road, and shall form Part of the Funds applicable by them to the Maintenance of the Street or public Road.

Restrictions on Impediments to Traffic.

16. The Company shall not stop or impede Traffic in any Street or public Road further than is necessary for the proper Execution of their Works. They shall not close against Traffic more than *One Third* in Width of any Street or public Road at One Time; and in case *Two Thirds* thereof are not wide enough to allow Two Carriages to pass each other, they shall not occupy with their Works at One Time more than *Fifty* Yards in Length of the *One Third* thereof, except with the special Permission of the Body having the Controul of the Street or public Road.

Restrictions as to Works affecting private or Crown Property.

For Works under or on Land, Consent of Owner, &c. requisite.

17. The Company shall not place any Work under, in, or upon any Land or Building, except with the Consent of the Owner, Lessee, and Occupier thereof.

Crown Property.

18. The Company shall not place any Work under, in, upon, over, along, or across any Land or Building belonging to or enjoyed by the Queen's most Excellent Majesty in right of Her Crown, without the previous Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, which Consent such Commissioners, or One of them, may give.

For Telegraphs above Ground, and Posts, within certain Distance of Dwelling Houses, Consent of Occupier, &c. requisite.

19. The Company shall not place a Telegraph above Ground, or a Post, within *Ten* Yards of a Dwelling House of the annual Value of *Twenty Pounds* or upwards, or place a Telegraph above Ground across an Avenue or Approach to such a Dwelling House, except subject and according to the following Restrictions and Provisions:—

(1.) They shall in each such Case obtain the Consent of the Occupier (if any) of such Dwelling House, and if there is no Occupier, then of the immediate Lessee, and if there is none, then of the Owner:

(2.) The Consent of an Occupier shall be effective only during the Continuance of his Occupation:

(3.) On the Termination of the Occupation of any Occupier, the Lessee or Owner entitled to Possession, if he did not consent to the placing of the Telegraph or Post, may give Notice to the Company that he requires it to be removed:

(4.) The Company shall remove the same accordingly within *One Month* after receiving such Notice:

(5.) If any Question arises between a Lessee or Owner and the Company as to such Removal, or the Time or Mode thereof, the same shall be referred to the Determination in England or Ireland of Two Justices, and in Scotland of the Sheriff, which Justices or Sheriff may give such Directions as to such Removal, and the Time and Mode thereof, as they think reasonable, and may impose on the Company for not carrying such Directions into effect such Penalty not exceeding *Five Pounds* a Day as may seem just.

For Works over Land Consent of Owner, &c. requisite.

20. Save as herein-after expressly provided, the Company shall not place any Work over, along, or across any Land or Building, except with the Consent of the Owner, Lessee, and Occupier thereof.

Power to Owner or Occupier of House in Street to object to Telegraph over House.

21. Where the Body having the Controul of a Street consents to the placing of a Telegraph over, along, or across such Street, that Consent shall be sufficient Authority for the Company to place and maintain a Telegraph over, along, or across any Land or Building adjoining to or near the Street, and within the Limits to which the Authority of such Body extends, subject to the following Restrictions:—

(1.) The Company shall not place a Telegraph directly over any such Building, if the Owner, Lessee, or Occupier objects thereto:

(2.) The Company shall remove any Telegraph placed directly over any such Building, if at any Time within *Twelve* Months after the placing thereof the Owner, Lessee, or Occupier requires them to remove it.

22. Before

Notices to be published, and left at Dwelling Houses, of intended Telegraph along public Road, after Consent of Road Authority obtained.

22. Before the Company proceeds to place a Telegraph over, along, or across a public Road, or to place Posts in or upon a public Road, they shall publish a Notice stating that they have obtained the Consent in that Behalf of the Body having the Controul of the public Road, and describing the intended Course of the Telegraph,—

(1.) By affixing such Notice on some conspicuous Places by the Side of the Part of the Road affected, at Distances of not more than *One Mile* apart:

(2.) By leaving such Notice at every Dwelling House fronting on the Part of the Road affected, and being within *Fifty* Feet thereof:

(3.) By inserting such Notice as an Advertisement in each of *Two* successive Weeks in some One and the same local Newspaper circulating in the Neighbourhood of the Part of the Road affected:

And they shall not so place any such Telegraph or Post until the Expiration of *Twenty-one* Days from the last Publication of such Advertisement.

Owner or Occupier of adjoining Land or House may object.

23. At any Time during such *Twenty-one* Days the Owner, Lessee, or Occupier of any Land or House adjoining to either Side of such Road may give to the Company Notice of his Objection to their intended Works as injuriously affecting such Land or House, and send to the Board of Trade a Copy of his Notice of Objection.

Works to be stayed.

24. Until such Objection is settled, or is determined in manner herein-after provided, the Company shall not execute that Part of their intended Works to which the Objection relates.

Examination and Inquiry to be made by Board of Trade.

25. As soon as may be after the Receipt of such Copy of Notice of Objection, the Board of Trade shall (unless the Difference between the Company and the Person objecting is arranged) make Inquiry and Examination, and hear and determine the Matter of the Objection.

Powers of Board of Trade respecting the Objection.

26. On hearing any such Objection the Board of Trade—

(1.) may allow the Objection, wholly or in part; or

(2.) may authorize the Company to proceed with their Works according to their published Notice, paying to the Owner, Lessee, or Occupier objecting full Compensation (the Amount thereof to be assessed by the Board of Trade) for any Damage done to him; or

(3.) may authorize the Company to so proceed subject to any such Conditions as to the Time or Mode of Execution of the Works, or as to the Removal or Alteration in any event of any Work, or as to any other Thing connected with

or relative to any Work, as the Board of Trade thinks fit; or

(4.) may authorize the Company to so proceed subject to any such Modification of any intended Work as the Board of Trade prescribes; but so that in that Case such Notice and Opportunity of objecting and being heard as the Board of Trade directs shall be given to any Owner, Lessee, or Occupier whom such Modification may affect.

Decision of Board of Trade final.

27. The Determination of the Board of Trade on the Matter of any such Objection shall be final and conclusive.

Costs.

28. The Board of Trade may allow to any Owner, Lessee, or Occupier so objecting such Costs as seem just, to be paid by the Company.

For Building or other Purposes, Owner, &c. may require Removal of Works though not originally objected to, but subject to Reference to Board of Trade.

29. If at any Time after the Company has constructed any Work under, in, upon, over, along, or across any Land or Building, any Owner, Lessee, or Occupier of such Land or Building, or any Lord of a Manor, or other Person having any Interest in such Land or Building, desires to build upon or inclose such Land, or in any Manner to improve such Land or Building, or to apply such Land or Building to some Purpose which it was not applied to at the Time of the Construction of such Work by the Company, and with which the Continuance of such Work would materially interfere, then and in every such Case the following Provisions shall take effect:—

(1.) Such Owner, Lessee, Occupier, Lord of a Manor, or other Person interested may give to the Company a Notice requiring them to remove or alter such Work:

(2.) Within *One Month* after such Notice received the Company shall either remove or alter the Work, in accordance with the Notice, or else deliver to the Person giving the Notice a Counter-Notice, specifying their Objection to such Removal or Alteration:

(3.) The Person giving the Notice may send Copies of the Notice and Counter-Notice to the Board of Trade:

(4.) As soon as may be after Receipt of such Copies, the Board of Trade shall (unless the Difference between the Person giving Notice and the Company is arranged) make Inquiry and Examination, and hear and determine the Matter of the Notice and Counter-Notice.

Powers of Board of Trade on such Reference.

30. On hearing any such Matter, the Board of Trade may direct that the Company shall comply with the Notice, wholly or in part, or subject to any such Modifications as the Board of Trade prescribes, or on condition that the Person giving the Notice shall afford to the Company all reasonable and proper Facilities in his Power for substituting some other Work for that to which the Notice

Notice relates, or on any such other Condition as to the Board of Trade seems, according to the Circumstances of the Case, just and expedient.

Owner, &c. not to cause Removal of any Work in respect of which he has been compensated.

31. Provided, That nothing in the last foregoing Provisions shall be taken to empower any Owner, Lessee, or Occupier, Lord of a Manor, or other Person, to obtain the Removal or Alteration of any Work, the Construction whereof was consented to by him, or by any Person through whom he takes his Estate or Interest, for full and valuable Consideration passing from the Company to him or the Person through whom he takes.

Board of Trade may in any Case appoint Arbitrator.

32. If in any Case where any Matter is herein-before authorized or directed to be determined by the Board of Trade it appears to the Board of Trade to be expedient, for Convenience of local Investigation or for any other Reason, that the Matter should be determined by an Arbitrator, the Board of Trade may, notwithstanding anything herein-before contained, and whether the Board of Trade has entered on the Investigation or not, refer the Matter to some competent and impartial Person as Arbitrator; and with respect to the Matter so referred any such Arbitrator shall have the like Authority and Jurisdiction as the Board of Trade has under this Act, and his Determination shall have the same Effect as a Determination of the Board of Trade under this Act. The reasonable Expenses and Remuneration of the Arbitrator (to be settled in case of Difference by the Board of Trade) shall be paid by the Company.

Restrictions as to Works affecting Railways and Canals.

In Works affecting Railways, Canals, &c. Consent of Directors, &c. requisite.

33. The Company shall not place any Work under, in, upon, over, along, or across any Railway or Canal, except with the Consent of the Proprietors or Lessees, or of the Directors or Persons having the Controul thereof. But this Provision shall not restrict the Company from placing any Work under, in, upon, over, along, or across any Street or public Road, although such Street or public Road may cross or be crossed by a Railway or Canal, so that such Work do not damage the Railway or Canal, or interfere with the Use, Alteration, or Improvement thereof.

Access from future Docks to Canal.

34. If at any Time after the Company has placed any Work under, in, upon, over, along, or across any Canal, any Person having Power to construct Docks, Basins, or other Works upon any Land adjoining or near to such Canal constructs any Dock, Basin, or Work on such Land, but is prevented by the Company's Work from forming a Communication for the convenient Passage of Vessels with or without Masts between such Dock, Basin, or other Work, and such

Canal, or if the Business of such Dock, Basin, or other Work is interfered with by reason or in consequence of any such Work of the Company, then the Company, at the Request of such Person, and on having reasonable Facilities afforded them by him for placing a Telegraph round such Dock, Basin, or other Work, under, in, upon, over, along, or across Land belonging to or under his Controul, shall remove and place their Work accordingly. If any Dispute arises between the Company and such Person as to the Facilities to be afforded to the Company, or as to the Direction in which the Telegraph is to be placed, it shall be determined by the Board of Trade, or an Arbitrator appointed by them.

Restrictions as to Works affecting Seashore.

For Works on Seashore, Consent of Proprietors of Shore and Conservancy or other Authorities requisite.

35. The Company shall not place any Work under, in, upon, over, along, or across any Estuary or Branch of the Sea, or the Shore or Bed of any tidal Water, except with the Consent of all Persons and Bodies having any Right of Property, or other Right, Power, Jurisdiction, or Authority in, over, or relating to the same, which may be affected or be liable to be affected by the Exercise of the Powers of the Company.

Plan of such Works to be subject to Approval of Board of Trade.

36. Before commencing the Construction of any such Work as last aforesaid, or of any Buoy or Sea Mark connected therewith, the Company shall deposit at the Office of the Board of Trade a Plan thereof, for the Approval of the Board of Trade. The Work shall not be constructed otherwise than in accordance with such Approval. If any Work is constructed contrary to this Provision, the Board of Trade may, at the Expense of the Company, abate and remove it, or any Part of it, and restore the Site thereof to its former Condition.

Power of Board of Trade as to such Works if disused, &c.

37. If any such Work, Buoy, or Sea Mark is abandoned, or suffered to fall into Disuse or Decay, the Board of Trade may, if and as they think fit, at the Expense of the Company, either repair and restore it or any Part of it, or abate and remove it or any Part of it, and restore the Site thereof to its former Condition.

Local Survey of such Works by Board of Trade.

38. The Board of Trade may at any Time, at the Expense of the Company, cause to be made a local Survey and Examination of any such Work, Buoy, or Sea Mark or of the Site thereof.

Recovery of Expenses by Board of Trade in such Cases.

39. Whenever the Board of Trade, under the Authority of this Act, does any Act or Thing in relation to any such Work which they are by this Act authorized to do at the Expense of the Company, the Amount of such Expense shall be a Debt due to the Crown from the Company, and shall be recoverable as such, with Costs, or the same

same may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

General Obligations and Liabilities of Company and their Servants.

Telegraph to be open for all Messages without Preference.

40. Every Telegraph of the Company shall be open for the Messages of all Persons alike, without Favour or Preference.

Company to be responsible for all Damages.

41. The Company shall be answerable for all Accidents and Injuries happening through the Default of the Company or of any Person in their Employment by reason or in consequence of any of the Company's Works, and shall save harmless all Persons having the Controul of Streets or public Roads, collectively and individually, and their Officers and Servants, from all Damages and Costs in respect of such Accidents and Injuries.

Sale, &c. of Undertaking prohibited, except with Consent of Board of Trade.

42. The Company shall not sell or transfer their Undertaking to any other Company or Person, or lease the same or any Part of their Works, except with the Consent of the Board of Trade previously obtained for such Sale, Transfer, or Lease.

Punishment of Officers of Company for Misconduct respecting Messages.

43. If any Person in the Employment of the Company—

Wilfully or negligently omits or delays to transmit or deliver any Message;

Or by any wilful or negligent Act or Omission prevents or delays the Transmission or Delivery of any Message;

Or improperly divulges to any Person the Purport of any Message,—

He shall for every such Offence be liable to a Penalty not exceeding *Twenty Pounds*.

Saving as to Restrictions on and Duties of existing Companies.

Certain Enactments in Special Acts not affected by this Act.

44. Nothing in this Act shall be deemed to affect any of the Enactments specified in the Schedule to this Act.

Powers of Her Majesty's Government over Company.

Messages on Her Majesty's Service to have Priority.

45. If One of Her Majesty's Principal Secretaries of State, or the Board of Trade, or other Department of Her Majesty's Government, requires the Company to transmit any Message on Her Majesty's Service, such Message shall (notwithstanding anything herein-before contained) have Priority over all other Messages; and the Company shall as soon as reasonably may be transmit the same, and shall, until Transmission thereof, suspend the Transmission of all other Messages.

 46. On

On Request of Board of Trade Company to place Telegraph.

46. On the Request of the Board of Trade, the Company shall from Time to Time place and shall maintain such a Telegraph as the Board of Trade appoints, to be for the exclusive Use of Her Majesty, and to be applied to such Purposes, whether for the immediate Service of Her Majesty, or otherwise, as Her Majesty thinks fit.

On Refusal or Neglect of Company, Power to Board of Trade to place such Telegraph.

47. If the Company refuses or neglects to place a Telegraph, in accordance with such Request, the Board of Trade may cause such a Telegraph to be placed in connection with any of the Company's Works, by such Persons and in such Manner as they think fit, and for that Purpose shall have and may exercise all the Powers under this Act or otherwise vested in the Company; subject, nevertheless, to the Restrictions and Provisions under this Act or otherwise applicable to the Company, and without Prejudice to the Exercise by the Company of the Powers under this Act or otherwise vested in them.

Remuneration of Company for placing such Telegraph.

48. Where the Company places a Telegraph, in pursuance of such Request of the Board of Trade, the Commissioners of Her Majesty's Treasury shall pay to the Company, as Remuneration for the same, out of Money to be provided by Parliament for the Purpose, such Sum, annual or in gross, or both, as may be settled between the Board of Trade and the Company by Agreement, or, in case of Difference, by Arbitration, such Arbitration to be conducted as follows:—

(1.) The Board of Trade and the Company shall each, within *Fourteen* Days after receiving from the other a Demand in Writing for an Arbitration, nominate an Arbitrator:

(2.) If either Party makes default in so nominating an Arbitrator, the Arbitrator nominated by the other Party shall nominate a Second Arbitrator:

(3.) The Two Arbitrators nominated shall, before entering on the Arbitration, nominate an Umpire:

(4.) If either Arbitrator makes default in nominating an Umpire within *Fourteen* Days after receiving from the other a Demand in Writing for such Nomination, the Lord Chief Justice of Her Majesty's Court of Common Pleas at Westminster may, on the Request of the Board of Trade, or of the Company, by Writing under his Hand, nominate an Umpire:

(5.) The Arbitrators shall make their Award within *Twenty-eight* Days after their Nomination, otherwise the Matter shall be left to be determined by the Umpire:

(6.) The Umpire shall make his Award within *Twenty-eight* Days after Notice from the Arbitrators or One of them that the Matter

Matter is left to be determined by him; or, on default, a new Umpire shall be appointed in manner aforesaid, who shall make his Award within the like Time, or on default be superseded; and so toties quoties:

The Award of the Arbitrators or Umpire shall be final and conclusive as between the Board of Trade and the Company.

In Emergencies Telegraphs may be taken possession of for Her Majesty's Service.

49. Where, in the Opinion of One of Her Majesty's Principal Secretaries of State, an Emergency has arisen in which it is expedient for the Public Service that Her Majesty's Government should have Controul over the Transmission of Messages by the Company's Telegraphs, the Secretary of State may, by Warrant under his Hand, direct and cause the Company's Works, or any Part thereof, to be taken possession of in the Name and on behalf of Her Majesty, and to be used for Her Majesty's Service, and, subject thereto, for such ordinary Service as may seem fit. Any such Warrant shall not have effect for a longer Time than *One Week* from the issuing thereof; but the Secretary of State may issue successive Warrants from Week to Week as long as, in his Opinion, such Emergency continues. The Commissioners of Her Majesty's Treasury shall pay to the Company as Compensation, out of Money to be provided by Parliament for the Purpose, a Sum equal to the Amount of Profits which the Company would have made if Possession had not been so taken, calculated on an Average of the Company's weekly Profits for the *Three* Months next before the issuing of the first of such Warrants.

Power to proceed against Company given to Law Officers of Crown on Certificate of Board of Trade.

50. Where it appears to the Board of Trade that any Provision of this Act has not been complied with on the Part of the Company, and that it would be for the public Advantage that the due Performance thereof should be enforced, the Board of Trade may certify accordingly to Her Majesty's Attorney General for England or for Ireland, or to the Lord Advocate for Scotland, as the Case may require; and thereupon the Attorney General or Lord Advocate may, by such Civil or Criminal Proceeding as the Case may require, enforce the due Performance of such Provision, by the Recovery of Penalties, or otherwise according to Law. But no such Certificate shall be made by the Board of Trade until *Twenty-one* Days after they have given Notice to the Company of their Intention to make the same. This Provision shall be deemed to be cumulative, and to be without Prejudice to any other Remedy or Process against the Company on the Part of the Crown or of any Person or Body.

SCHEDULE.

Enactments in Special Acts of existing Companies which are not to be affected by this Act.

Session and Chapter of Act.	Short Title of Act.	Sections of Act.
16 & 17 Vict. c. clix. -	The British Electric Telegraph Company's Act, 1853.	Section Forty-three (relating to Works affecting the Thames).
16 & 17 Vict. c. cciii.	The Electric Telegraph Company's Act, 1853.	Section Fifty-six (relating to Works affecting the Thames).
24 & 25 Vict. c. xcii. -	Bonelli's Electric Telegraph Act, 1861.	Sections Twenty-five, Twenty-six, Twenty-seven (relating to Works affecting the Thames), and Thirty-eight and Thirty-nine (relating to Works affecting the Mersey, and to the Mersey and Irwell Navigation).
25 & 26 Vict. c. cxxxi.	United Kingdom Electric Telegraph Act, 1862.	Sections Fifty-three, Fifty-four, Fifty-five (relating to Works affecting the Thames), Fifty-seven, Fifty-eight (relating to Works affecting the Mersey, and to the Mersey and Irwell Navigation), Seventy-four (relating to a Sale, Transfer, or Lease), and Seventy-six (relating to Works in Scotland).

Telegraphs Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preliminary.

CLAUSES.

1. Short Title.
2. Application of Act to all future Telegraph Companies, and also to all existing Telegraph Companies, but not so as to affect an existing Company in respect of past Exercise of Powers.
3. Interpretation.
4. Recovery of Damages, Costs, Expenses, and Penalties.
5. Provisions as to Notices and Consents.

General Powers of Company.

6. General Description of Works which a Telegraph Company may execute, subject to the Restrictions of this Act.

Restrictions as to Telegraphs under Streets and public Roads.

7. For underground Works in Metropolis and large Towns Consent of Street Authority requisite.
8. Depth, Course, &c. of underground Works to be agreed on between Street or Road Authority and Company, or else to be determined by Justices or Sheriff.
9. Underground Tubes to have distinguishing Mark.

Restrictions as to aboveground Works affecting Streets and public Roads.

10. For Works over or on Street or public Road, Consent of Street or Road Authority requisite.

Removal of Works affecting Streets and public Roads.

11. In case of Abandonment of Works, &c., Street or Road Authority may remove them.

Restrictions as to the Opening of Streets and public Roads.

12. Streets and public Roads to be opened only after Notice and under Superintendence.
13. Streets and public Roads to be restored and kept in repair for Six Months; Penalty.
14. Restrictions on Impediments to Traffic.

Restrictions as to Works affecting private or Crown Property.

15. Crown Property.
16. For Works under or over Land Consent of Owner, &c. requisite.
17. Power to Owner, Lessee or Occupier of House in Street to object to Telegraph less than Six Feet above Roof.
18. For Telegraphs above Ground, and Posts, within certain Distance of Dwelling Houses, Consent of Occupier, &c. requisite.
19. Notices to be published, and left at Dwelling Houses, of intended Telegraph along public Road, after Consent of Road Authority obtained.
20. Owner or Occupier of adjoining Land or House may object.
21. Works to be stayed.
22. Examination and Inquiry to be made by Board of Trade.
23. Powers of Board of Trade respecting the Objection.
24. Decision of Board of Trade final.
25. Costs.
26. For Building or other Purposes, Owner, &c. may require Removal of Works though not originally objected to, but subject to Reference to Board of Trade.
27. Powers of Board of Trade on such Reference.
28. Owner, &c. not to cause Removal of any Work in respect of which he has been compensated.

Restrictions as to Works affecting Railways and Canals.

29. For Works affecting Railways, Canals, &c. Consent of Directors, &c. requisite.
30. Access from future Docks to Canal.

Appointment of Arbitrator by Board of Trade.

31. Board of Trade may in any Case appoint Arbitrator.

Restrictions as to Works affecting Seashore.

32. For Works on Seashore, Consent of Proprietors of Shore and Conservancy or other Authorities requisite.

33. Plan of such Works to be subject to Approval of Board of Trade.
34. Power of Board of Trade as to such Works if disused, &c.
35. Local Survey of such Works by Board of Trade.
36. Recovery of Expenses by Board of Trade in such Cases.

General Obligations and Liabilities of Company and their Servants.

37. Telegraph to be open for all Messages without Preference; subject to Leases.
38. Company to be responsible for all Damages.
39. Sale, &c. of Undertaking, and Leases of Lines (with Exceptions) prohibited, except with Consent of Board of Trade.
40. Punishment of Officers of Company for Misconduct respecting Messages.

Saving as to Restrictions on and Duties of existing Companies.

41. Certain Enactments in Special Acts not affected by this Act.

Powers of Her Majesty's Government over Company.

42. Messages on Her Majesty's Service to have Priority.
43. On Request of Board of Trade Company to place Telegraph.
44. On Refusal or Neglect of Company, Power to Board of Trade to place such Telegraph.
45. Remuneration of Company for placing such Telegraph.
46. In Emergencies Telegraphs may be taken possession of for Her Majesty's Service.
47. Power to proceed against Company given to Law Officers of the Crown on Certificate of Board of Trade.

SCHEDULE.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Regulate the Exercise of Powers under Special Acts for the Construction and Maintenance of Telegraphs.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited as The Telegraphs Act, 1863. Short Title.

2. This Act shall apply— Application of Act to all future Telegraph Companies, and also to all existing Telegraph Companies, but not so as to affect an existing Company in respect of past Exercise of Powers.

(1.) To every Company to be hereafter authorized by Special Act of Parliament to construct and maintain Telegraphs:

(2.) To every Company already so authorized by any such Special Act, notwithstanding anything in any such Special Act contained,—but so that, except as herein-after expressly provided, nothing in this Act shall be deemed to give to any Owner, Lessee, or Occupier of Land, or other Person, or to any Body, as against any such Company as last aforesaid, in respect of anything already lawfully done by such Company under any such Special Act, any further or other Right, Power, Jurisdiction, Authority, or Remedy than he

or they would have had if this Act had not been passed; and also that nothing in this Act shall be deemed to interfere with the Maintenance or Repair, under any such Special Act, of any Work already lawfully executed by any such Company under any such Special Act.

Interpretation.

3. In this Act—

The Term "the Company" means any Company to be hereafter authorized as aforesaid (herein-after distinguished by the Term "future Company"), or any Company already so authorized (herein-after distinguished by the Term "existing Company"):

The Term "Telegraph" means a Wire or Wires used for the Purpose of Telegraphic Communication, with any Casing, Coating, Tube, or Pipe inclosing the same, and any Apparatus connected therewith for the Purpose of Telegraphic Communication:

The Term "Post" means a Post, Pole, Standard, Stay, Strut, or other aboveground Contrivance for carrying, suspending, or supporting a Telegraph:

The Term "Work" includes Telegraphs and Posts:

The Term "Street" means a public Way or Street, Square, Alley, or Court, whether a Thoroughfare or not, situate within a City, Town, or Village, or between Lands continuously built upon, or a public Highway for Carriages, within or passing through a City, Town, or Village, or passing between Lands continuously built upon, including the Footpaths of such Way, Street, Square, Alley, Court or Highway, and any Bridge forming Part thereof:

The Term "public Road" means a public Highway for Carriages not being a Street, including the Footpaths of such public Highway, and any Bridge forming Part thereof, and also any Land by the Side and forming Part of such a public Highway, but not including a Railway or Canal:

The Term "Railway" includes any Station, Work, or Building connected with a Railway:

The Term "Canal" includes Navigation or navigable River, and any Dock, Basin, Towing-path, Wharf, Work, or Building connected with a Canal:

The Term "Land" means Land not being a Street or public Road, and not being Land by the Side and forming Part of a Street or public Road:

The Term "Body" includes a Body of Trustees or Commissioners, Municipal Corporation, Board, Vestry, Company, or Society, whether incorporated or not; and also a Person having the like Power or Authority in respect of any Street or Public Road, or otherwise, as any Body in this Act mentioned or referred to:

The Term "Person" includes Corporation Aggregate or Sole:

The

The Term "the Board of Trade" means the Lords of the Committee of Her Majesty's Privy Council for the Time being appointed for the Consideration of Matters relating to Trade and Foreign Plantations:

The Term "Justice" means Justice of the Peace acting for the Place where the Matter requiring the Cognizance of any such Justice arises, and not being interested in the Matter:

The Term "Two Justices" means Two or more Justices met and acting together, or any One Police Magistrate or Justice having by Law Authority to act alone for any Purpose with the Powers of Two Justices:

The Term "Sheriff" means the Sheriff Depute of the County or Ward of a County in Scotland, and the Steward Depute of the Stewartry in Scotland, in which the Matter submitted to the Cognizance of the Sheriff arises, and includes the Substitutes of such Sheriff Depute and Steward Depute respectively.

Recovery of Damages, Costs, Expenses, and Penalties.

4. The Provisions of The Railways Clauses Consolidation Act, 1845, with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices, and the Provisions of The Railways Clauses Consolidation (Scotland) Act, 1845, with respect to the Recovery of Damages not specially provided for, and to the Determination of any other Matter referred to the Sheriff, or to Justices, shall, so far as the same are applicable, and save so far as the same are inconsistent with any express Provision of this Act, be incorporated with this Act; and Terms used in those Provisions shall be interpreted as the same Terms are directed to be interpreted in this Act.

Provisions as to Notices and Consents.

5. The following Provisions shall apply to Notices and Consents under this Act:—

(1.) Every Notice or Consent shall be in Writing or Print, or partly in Writing and partly in Print:

(2.) Any Notice to or by a Body having the Controul of a Street or public Road, or of the Sewerage or Drainage thereunder, may be given to or by the Secretary, Clerk, or Surveyor, or other like Officer (if any) of such Body:

(3.) Any Consent may be given on such pecuniary or other Terms (being in themselves lawful), or subject to such Stipulations as to the Time or Mode of Execution of any Work, or as to the Removal or Alteration, in any event, of any Work, or as to any other thing connected with or relative to any Work, as the Person or Body giving Consent thinks fit:

(4.) The Absence of the Dissent in Writing of the Person or Body whose Consent is in any Case required shall at the End of Fourteen Days after Service of Notice on such

Person or Body, or in the Case of a Public Body at the End of Fourteen Days after the First Meeting of such Body subsequently to Service of Notice, be equivalent to such Consent.

General Powers of Company.

General Description of Workswhich a Telegraph Company may execute, subject to the Restrictions of this Act.

6. Subject to the Restrictions and Provisions herein-after contained, the Company may execute Works as follows:—

(1.) They may place and maintain a Telegraph under any Street or public Road, and may alter or remove the same:

(2.) They may place and maintain a Telegraph over, along, or across any Street or public Road, and place and maintain Posts in or upon any Street or public Road, and may alter or remove the same:

(3.) They may, for the Purposes aforesaid, open or break up any Street or public Road, and alter the Position thereunder of any Pipe (not being a Main) for the Supply of Water or Gas:

(4.) They may place and maintain a Telegraph and Posts under, in, upon, over, along, or across any Land or Building, or any Railway or Canal, or any Estuary or Branch of the Sea, or the Shore or Bed of any Tidal Water, and may alter or remove the same:

But in the Exercise of such Powers the Company shall do as little Damage as may be, and shall make full Compensation to all Bodies and Persons interested for all Damage sustained by them by reason or in consequence of the Exercise of such Powers (such Compensation to be ascertained, paid, and enforced in manner provided in The Lands Clauses Consolidation Act, 1845, and The Lands Clauses Consolidation (Scotland) Act, 1845, as the Case may require, with respect to Compensation for Lands taken under those Acts respectively), and shall also cause as little Detriment or Inconvenience as Circumstances admit to the Body or Person to or by whom any such Water or Gas Pipe as aforesaid may belong or be used.

Restrictions as to Telegraphs under Streets and public Roads.

For underground Works in Metropolis and large Towns Consent of Street Authority requisite.

7. The Company shall not place a Telegraph under any Street within the Limits of the District over which the Authority of the Metropolitan Board of Works extends, or of any City or Municipal Borough or Town Corporate, or of any Town having a Population of Thirty thousand Inhabitants or upwards (according to the latest Census),—or under any Land within such respective Limits laid out as a Street, although not dedicated to public Use,—except with the Consent of the Bodies having the Controul of the Streets within such respective Limits.

8. Where

8. Where the Company intends to place a Telegraph under a Street or public Road, the Depth, Course, and Position at and in which the same is to be placed shall be settled between the Company and the following Bodies:

The Body having the Controul of the Street or public Road:

The Body having the Controul of the Sewerage or Drainage thereunder:

But if such Settlement is not come to with any such Body, the following Provisions shall take effect:—

(1.) The Company may give to such Body a Notice specifying the Depth, Course, and Position which the Company desires:

(2.) If the Body to whom such Notice is given does not, within Fourteen Days after the giving of such Notice, give to the Company a Counter-Notice objecting to the Proposal of the Company, and specifying the Depth, Course, and Position which such Body desires, they shall be deemed to have agreed to the Proposal of the Company:

(3.) In the event of ultimate Difference between the Company and such Body, the Depth, Course, and Position shall be determined in England or Ireland by Two Justices, and in Scotland by the Sheriff.

Depth, Course, &c. of underground Works to be agreed on between Street or Road Authority and Company, or else to be determined by Justices or Sheriff.

9. Every underground Tube or Pipe of the Company shall be so marked as to distinguish it from Tubes or Pipes of every other Company.

Underground Tubes to have distinguishing Mark.

Restrictions as to aboveground Works affecting Streets and public Roads.

10. The Company shall not place a Telegraph over, along, or across a Street or public Road, or a Post in or upon a Street or public Road, except with the Consent of the Body having the Controul of such Street or public Road;—subject to this Proviso, that where the Company is desirous of placing a Telegraph over a public Road, either along the same for a less Distance in the whole than One hundred Yards, or across the same, and the Body having the Controul of such public Road does not consent to the Company so doing, then, on the Application of the Company to the Board of Trade for leave to do so, and on Notice to such Body, the Board of Trade may make Inquiry and Examination, and hear and determine the Matter of the Difference between the Company and such Body, and may either disallow the Application of the Company, or may authorize the Company, notwithstanding the Want of the Consent of such Body, to proceed with their proposed Works, with or without Modification, and subject or not to any Terms or Conditions, as the Board of Trade thinks fit; and the Determination of the Board of Trade shall be binding on the Company and on such Body.

For Works over or on Street or public Road, Consent of Street or Road Authority requisite.

Removal of Works affecting Streets and public Roads.

In case of Abandonment of Works, &c., Street or Road Authority may remove them.

11. In the following Cases—

(1.) If any Part of the Company's Works affecting a Street or public Road is abandoned, or suffered to fall into Disuse or Decay;

(2.) If the Company is dissolved, or ceases for Six Months to carry on Business,

the Body having the Controul of the Street or public Road affected (in the former Case) by such Part of the Company's Works as aforesaid, or (in the latter Case) by any of the Company's Works, may give Notice to the Company, or leave a Notice at the last known Office or Place of Business of the Company, to the Effect that if such Works (being Works affecting a Street or public Road) as are specified in the Notice are not removed within One Month after the Notice given or left, the same will be removed by the Body having such Controul; and in every such Case, unless such Works are removed accordingly, the Body having such Controul may, without Prejudice to any Remedy against the Company, remove such Works, or any Part thereof, and sell the Materials thereof or of any Part thereof, and, by and out of the Proceeds of such Sale, reimburse themselves their Expenses relative to such Notice, Removal, and Sale, and consequent thereon (rendering the Overplus, if any, to the Company), and may recover any unpaid Residue of such Expenses from the Company. The present Section shall apply to an existing Company, as well as to a future Company.

Restrictions as to the Opening of Streets and Public Roads.

Streets and public Roads to be opened only after Notice and under Superintendence.

12. Subject to any special Stipulations made with a Company by the Body having the Controul of a Street or public Road, where the Company proceeds to open or break up a Street or public Road, the following Provisions shall take effect:—

(1.) The Company shall give to the Bodies between whom respectively and the Company the Depth, Course, and Position of a Telegraph under such Street or public Road are herein-before required to be settled or determined, Notice of their Intention to open or break up such Street or public Road, specifying the Time at which they will begin to do so, —such Notice to be given, in the Case of an underground Work, Ten Days, and in the Case of an aboveground Work Three Days, at least, before the Commencement of the Work; except in case of Emergency, in which Case Notice of the Work proposed shall be given as soon as may be after the Commencement thereof:

(2.) The Company shall not (save in case of Emergency) open or break up any Street or public Road, except under the Superintendence

Superintendence of the Bodies to whom respectively Notice is by the present Section required to be given, unless such Bodies respectively refuse or neglect to give such Superintendence at the Time specified in the Notice for the Commencement of the Work, or discontinue the same during the Work:

(3.) The Company shall pay all reasonable Expenses to which such Bodies respectively may be put on account of such Superintendence.

Streets and public Roads to be restored and kept in repair for Six Months; Penalty.

13. Subject to any such special Stipulations as aforesaid, after the Company has opened or broken up a Street or public Road they shall be under the following further Obligations:—

(1.) They shall, with all convenient Speed, complete the Work on account of which they opened or broke up the same, and fill in the Ground, and make good the Surface, and generally restore the Street or public Road to as good a Condition as that in which it was before being opened or broken up, and carry away all Rubbish occasioned thereby:

(2.) They shall in the meantime cause the Place where the Street or public Road is opened or broken up to be fenced and watched, and to be properly lighted at Night:

(3.) They shall pay all reasonable Expenses of keeping the Street or public Road in good Repair for Six Months after the same is restored, so far as such Expenses may be increased by such opening or breaking up.

If the Company fails to comply in any respect with the Provisions of the present Section, they shall for every such Offence (without Prejudice to the Right of any Person to enforce specific Performance of the Requirements of this Act, or to any other Remedy against them), be liable to a Penalty not exceeding Twenty Pounds; and any such Penalty shall (notwithstanding anything herein-before, or in any Act relating to Municipal Corporations, or to the Metropolitan Police Force, or in any other Act, contained) go and belong to the Body having the Controul of the Street or public Road, and shall form Part of the Funds applicable by them to the Maintenance of the Street or public Road.

Restrictions on Impediments to Traffic.

14. The Company shall not stop or impede Traffic in any Street or public Road further than is necessary for the proper Execution of their Works. They shall not close against Traffic more than One Third in Width of any Street or public Road at One Time; and in case Two Thirds thereof are not wide enough to allow Two Carriages to pass each other, they shall not occupy with their Works at One Time more than Fifty Yards in Length of the One Third thereof,

thereof, except with the special Permission of the Body having the Controul of the Street or public Road.

Restrictions as to Works affecting private or Crown Property.

Crown Property.

15. The Company shall not place any Work under, in, upon, over, along, or across any Land or Building belonging to or enjoyed by the Queen's most Excellent Majesty in right of Her Crown, without the previous Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, which Consent such Commissioners, or One of them, may give.

For Works under or over Land Consent of Owner, &c. requisite.

16. The Company shall not place any Work under, in, or upon any Land or Building, except with the Consent of the Owner, Lessee, and Occupier thereof; and, save as herein-after expressly provided, the Company shall not place any Work over, along, or across any Land or Building, except with the Consent of the Owner, Lessee, and Occupier thereof.

Power to Owner, Lessee, or Occupier of House in Street to object to Telegraph less than Six Feet above Roof.

17. Where the Body having the Controul of a Street consents to the placing of Works in, upon, over, along, or across the Street, that Consent shall be sufficient Authority for the Company to place and maintain a Telegraph over, along, or across any Land or Building adjoining to or near the Street, and within the Limits to which the Authority of such Body extends,—subject to this Restriction, that where the Company places a Telegraph directly over any Dwelling House adjoining to or near the Street, they shall not place the same at a less Height above the Roof thereof than Six Feet, if the Owner, Lessee, or Occupier objects to their placing the same at a less Height.

For Telegraphs above Ground, and Posts, within certain Distance of Dwelling Houses, Consent of Occupier, &c. requisite.

18. Subject and without Prejudice to the foregoing Provisions, the Company shall not place a Telegraph above Ground, or a Post, within Ten Yards of a Dwelling House of the annual Value of Twenty Pounds or upwards (whether adjoining to or near a Street or not), or place a Telegraph above Ground across an Avenue or Approach to such a Dwelling House, except subject and according to the following Restrictions and Provisions:—

(1.) They shall in each such Case obtain the Consent of the Occupier (if any) of such Dwelling House, and if there is no Occupier, then of the immediate Lessee, and if there is none, then of the Owner:

(2.) The Consent of an Occupier shall be effective only during the Continuance of his Occupation:

(3.) On the Termination of the Occupation of any Occupier, the Lessee or Owner entitled to Possession, if he did not consent to

to the placing of the Telegraph or Post, may give Notice to the Company that he requires it to be removed:

(4.) The Company shall remove the same accordingly within One Month after receiving such Notice:

(5.) If any Question arises between a Lessee or Owner and the Company as to such Removal, or the Time or Mode thereof, the same shall be referred to the Determination in England or Ireland of Two Justices, and in Scotland of the Sheriff, which Justices or Sheriff may give such Directions as to such Removal, and the Time and Mode thereof, as may seem reasonable, and may impose on the Company for not carrying such Directions into effect such Penalty not exceeding Five Pounds a Day as may seem just.

Notices to be published, and left at Dwelling Houses, of intended Telegraph along public Road, after Consent of Road Authority obtained.

19. Before the Company proceeds to place a Telegraph over, along, or across a public Road, or to place Posts in or upon a public Road, they shall publish a Notice stating that they have obtained the Consent in that Behalf of the Body having the Controul of the public Road, and describing the intended Course of the Telegraph,—

(1.) By affixing such Notice on some conspicuous Places by the Side of the Part of the Road affected, at Distances of not more than One Mile apart:

(2.) By leaving such Notice at every Dwelling House fronting on the Part of the Road affected, and being within Fifty Feet thereof:

(3.) By inserting such Notice as an Advertisement once at least in each of Two successive Weeks in some One and the same local Newspaper circulating in the Neighbourhood of the Part of the Road affected:

And they shall not so place any such Telegraph or Post until the Expiration of Twenty-one Days from the last Publication of such Advertisement.

Owner or Occupier of adjoining Land or House may object.

20. At any Time during such Twenty-one Days the Owner, Lessee, or Occupier of any Land or House adjoining to either Side of such Road may give to the Company Notice of his Objection to their intended Works as injuriously affecting such Land or House, and send to the Board of Trade a Copy of his Notice of Objection.

Works to be stayed.

21. Until such Objection is settled, or is determined in manner herein-after provided, the Company shall not execute that Part of their intended Works to which the Objection relates.

Examination and Inquiry to be made

22. As soon as may be after the Receipt of such Copy of Notice of Objection, the Board of Trade shall (unless the Difference between

by Board of Trade.

the Company and the Person objecting is arranged) make Inquiry and Examination, and hear and determine the Matter of the Objection.

Powers of Board of Trade respecting the Objection.

23. On hearing any such Objection the Board of Trade—

(1.) may allow the Objection, wholly or in part; or

(2.) may authorize the Company to proceed with their Works according to their published Notice, paying to the Owner, Lessee, or Occupier objecting full Compensation (the Amount thereof to be assessed by the Board of Trade) for any Damage done to him; or

(3.) may authorize the Company to so proceed subject to any such Conditions as to the Time or Mode of Execution of any Work, or as to the Removal or Alteration in any event of any Work, or as to any other Thing connected with or relative to any Work, as the Board of Trade thinks fit; or

(4.) may authorize the Company to so proceed subject to any such Modification of any intended Work as the Board of Trade prescribes; but so that in that Case such Notice and Opportunity of objecting and being heard as the Board of Trade directs shall be given to any Owner, Lessee, or Occupier whom such Modification may affect.

Decision of Board of Trade final.

24. The Determination of the Board of Trade on the Matter of any such Objection shall be final and conclusive.

Costs.

25. The Board of Trade may allow to any Owner, Lessee, or Occupier so objecting such Costs as seem just, to be paid by the Company.

For Building or other Purposes, Owner, &c. may require Removal of Works though not originally objected to, but subject to Reference to Board of Trade.

26. If at any Time after the Company has constructed any Work under, in, upon, over, along, or across any Land or Building, any Owner, Lessee, or Occupier of such Land or Building, or any Lord of a Manor, or other Person having any Interest in such Land or Building, desires to build upon or inclose such Land, or in any Manner to improve or alter such Land or Building, or to apply such Land or Building to some Purpose which it was not applied to at the Time of the Construction of such Work by the Company, and with which the Continuance of such Work would materially interfere, then and in every such Case the following Provisions shall take effect:—

(1.) Such Owner, Lessee, Occupier, Lord of a Manor, or other Person interested may give to the Company a Notice requiring them to remove or alter such Work, and specifying the Grounds of such Requisition:

(2.) Within One Month after such Notice received the Company shall either remove or alter the Work, in accordance with the Notice, or else deliver to the Person giving the Notice a Counter-

Counter-Notice, specifying their Objection to such Removal or Alteration:

(3.) The Person giving the Notice may send Copies of the Notice and Counter-Notice to the Board of Trade:

(4.) As soon as may be after Receipt of such Copies, the Board of Trade shall (unless the Difference between the Person giving the Notice and the Company is arranged) make Inquiry and Examination, and hear and determine the Matter of the Notice and Counter-Notice.

Powers of Board of Trade on such Reference.

27. On hearing any such Matter, the Board of Trade may direct that the Company shall comply with the Notice, wholly or in part, or subject to any such Modifications as the Board of Trade prescribes, or on condition that the Person giving the Notice shall afford to the Company all reasonable and proper Facilities in his Power for substituting some other Work for that to which the Notice relates, or on any such other Condition as to the Board of Trade seems, according to the Circumstances of the Case, just and expedient.

Owner, &c. not to cause Removal of any Work in respect of which he has been compensated.

28. Provided, That nothing in the last foregoing Provisions shall be deemed to empower any Owner, Lessee, or Occupier, Lord of a Manor, or other Person, to obtain, under those Provisions, the Removal or Alteration of any Work, the Construction whereof was consented to by him, or by any Person through whom he takes his Estate or Interest, for full and valuable Consideration passing from the Company to him or the Person through whom he takes.

Restrictions as to Works affecting Railways and Canals.

For Works affecting Railways, Canals, &c. Consent of Directors, &c. requisite.

29. The Company shall not place any Work under, in, upon, over, along, or across any Railway or Canal, except with the Consent of the Proprietors or Lessees, or of the Directors or Persons having the Controul thereof. But this Provision shall not restrict the Company from placing any Work (subject and according to the other Provisions of this Act) under, in, upon, over, along, or across any Street or public Road, although such Street or public Road may cross or be crossed by a Railway or Canal, so that such Work do not damage the Railway or Canal, or interfere with the Use, Alteration, or Improvement thereof.

Access from future Docks to Canal.

30. If at any Time after the Company has placed any Work under, in, upon, over, along, or across any Canal, any Person having Power to construct Docks, Basins, or other Works upon any Land adjoining or near to such Canal constructs any Dock, Basin, or Work on such Land, but is prevented by the Company's Work from form-

ing a Communication for the convenient Passage of Vessels with or without Masts between such Dock, Basin, or other Work, and such Canal, or if the Business of such Dock, Basin, or other Work is interfered with by reason or in consequence of any such Work of the Company, then the Company, at the Request of such Person, and on having reasonable Facilities afforded them by him for placing a Telegraph round such Dock, Basin, or other Work, under, in, upon, over, along, or across Land belonging to or under his Controul, shall remove and place their Work accordingly. If any Dispute arises between the Company and such Person as to the Facilities to be afforded to the Company, or as to the Direction in which the Telegraph is to be placed, it shall be determined by the Board of Trade.

Appointment of Arbitrator by Board of Trade.

Board of Trade may in any Case appoint Arbitrator.

31. If in any Case where any Matter is herein-before authorized or directed to be determined by the Board of Trade it appears to the Board of Trade to be expedient, for Convenience of local Investigation or for any other Reason, that the Matter should be determined by an Arbitrator, the Board of Trade may, notwithstanding anything herein-before contained, and whether the Board of Trade has entered on the Investigation or not, refer the Matter to some competent and impartial Person as Arbitrator; and with respect to the Matter so referred any such Arbitrator shall have the like Authority and Jurisdiction as the Board of Trade has under this Act, and his Determination shall have the same Effect as a Determination of the Board of Trade under this Act. The reasonable Expenses and Remuneration of the Arbitrator (to be settled in case of Difference by the Board of Trade) shall be paid by the Company.

Restrictions as to Works affecting Seashore.

For Works on Seashore, Consent of Proprietors of Shore and Conservancy or other Authorities requisite.

32. The Company shall not place any Work under, in, upon, over, along, or across any Estuary or Branch of the Sea, or the Shore or Bed of any tidal Water, except with the Consent of all Persons and Bodies having any Right of Property, or other Right, Power, Jurisdiction, or Authority in, over, or relating to the same, which may be affected or be liable to be affected by the Exercise of the Powers of the Company (which Consent, where Her Majesty in right of Her Crown is interested, may be given by the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, in Writing signed by them or him).

Plan of such Works to be subject to Approval of Board of Trade.

33. Before commencing the Construction of any such Work as last aforesaid, or of any Buoy or Sea Mark connected therewith, the Company shall deposit at the Office of the Board of Trade a Plan thereof,

thereof, for the Approval of the Board of Trade. The Work shall not be constructed otherwise than in accordance with such Approval. If any Work is constructed contrary to this Provision, the Board of Trade may, at the Expense of the Company, abate and remove it, or any Part of it, and restore the Site thereof to its former Condition.

Power of Board of Trade as to such Works if disused, &c.

34. If any such Work, Buoy, or Sea Mark is abandoned, or suffered to fall into Disuse or Decay, the Board of Trade may, if and as they think fit, at the Expense of the Company, either repair and restore it or any Part of it, or abate and remove it or any Part of it, and restore the Site thereof to its former Condition.

Local Survey of such Works by Board of Trade.

35. The Board of Trade may at any Time, at the Expense of the Company, cause to be made a local Survey and Examination of any such Work, Buoy, or Sea Mark or of the Site thereof.

Recovery of Expenses by Board of Trade in such Cases.

36. Whenever the Board of Trade, under the Authority of this Act, does any Act or Thing in relation to any such Work which they are by this Act authorized to do at the Expense of the Company, the Amount of such Expense shall be a Debt due to the Crown from the Company, and shall be recoverable as such, with Costs, or the same may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

General Obligations and Liabilities of Company and their Servants.

Telegraph to be open for all Messages without Preference; subject to Leases.

37. Every Telegraph of the Company shall be open for the Messages of all Persons alike, without Favour or Preference; but this Provision shall not be deemed to prejudicially affect the Operation of any Lease authorized by this Act.

Company to be responsible for all Damages.

38. The Company shall be answerable for all Accidents and Injuries happening through the Default of the Company or of any Person in their Employment by reason or in consequence of any of the Company's Works, and shall save harmless all Bodies having the Controul of Streets or public Roads, collectively and individually, and their Officers and Servants, from all Damages and Costs in respect of such Accidents and Injuries.

Sale, &c. of Undertaking and Leases of Wires (with Exceptions) prohibited, except with Consent of Board of Trade.

39. The Company shall not sell or transfer their Undertaking to any other Company or to any Body or Person, or lease the same or any Part of their Works, except with the Consent of the Board of Trade previously obtained for such Sale, Transfer, or Lease; but this Provision shall not, as far as it relates to Leases, apply to the Universal Private Telegraph Company, constituted by the special Act of 1861 in the Schedule to this Act mentioned, and shall not be deemed

deemed to restrict the granting of any Lease in pursuance of any Agreement in that Behalf made before the Twelfth Day of February One thousand eight hundred and sixty-three.

Punishment Officers of of Company for Misconduct respecting Messages.

40. If any Person in the Employment of the Company—

Wilfully or negligently omits or delays to transmit or deliver any Message;

Or by any wilful or negligent Act or Omission prevents or delays the Transmission or Delivery of any Message;

Or improperly divulges to any Person the Purport of any Message,—

He shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds.

Saving as to Restrictions on and Duties of existing Companies.

Certain Enactments in Special Acts not affected by this Act.

41. Nothing in this Act shall be deemed to affect any of the Enactments specified in the Schedule to this Act.

Powers of Her Majesty's Government over Company.

Messages on Her Majesty's Service to have Priority.

42. If One of Her Majesty's Principal Secretaries of State, or the Board of Trade, or other Department of Her Majesty's Government, requires the Company to transmit any Message on Her Majesty's Service, such Message shall (notwithstanding anything herein-before contained) have Priority over all other Messages; and the Company shall as soon as reasonably may be transmit the same, and shall, until Transmission thereof, suspend the Transmission of all other Messages.

On Request of Board of Trade Company to place Telegraph.

43. On the Request of the Board of Trade, the Company shall from Time to Time place and shall maintain such a Telegraph as the Board of Trade appoints, to be for the exclusive Use of Her Majesty, and to be applied to such Purposes, whether for the immediate Service of Her Majesty, or otherwise, as Her Majesty thinks fit.

On Refusal or Neglect of Company, Power to Board of Trade to place such Telegraph.

44. If the Company refuses or neglects to place a Telegraph in accordance with such Request, the Board of Trade may cause such a Telegraph to be placed in connection with any of the Company's Works, by such Persons and in such Manner as the Board of Trade thinks fit, and for that Purpose shall have and may exercise all the Powers under this Act or otherwise vested in the Company; subject, nevertheless, to the Restrictions and Provisions under this Act or otherwise applicable to the Company, and without Prejudice to the Exercise

Exercise by the Company of the Powers under this Act or otherwise vested in them.

Remuneration of Company for placing such Telegraph.

45. Where the Company places a Telegraph, in pursuance of such Request of the Board of Trade, the Commissioners of Her Majesty's Treasury shall pay to the Company, as Remuneration for the same, out of Money to be provided by Parliament for the Purpose, such Sum, annual or in gross, or both, as may be settled between the Board of Trade and the Company by Agreement, or, in case of Difference, by Arbitration, such Arbitration to be conducted as follows:—

(1.) The Board of Trade and the Company shall each, within Fourteen Days after the Delivery by one to the other of a Demand in Writing for an Arbitration, nominate an Arbitrator:

(2.) If either Party makes default in so nominating an Arbitrator, the Arbitrator nominated by the other Party shall nominate a Second Arbitrator:

(3.) The Two Arbitrators nominated shall, before entering on the Arbitration, nominate an Umpire:

(4.) If either Arbitrator makes default in nominating an Umpire within Fourteen Days after receiving from the other a Demand in Writing for such Nomination, the Lord Chief Justice of Her Majesty's Court of Common Pleas at Westminster may, on the Request of the Board of Trade, or of the Company, by Writing under his Hand, nominate an Umpire:

(5.) The Arbitrators shall make their Award within Twenty-eight Days after their Nomination, otherwise the Matter shall be left to be determined by the Umpire:

(6.) The Umpire shall make his Award within Twenty-eight Days after Notice from the Arbitrators or One of them that the Matter is left to be determined by him; or, on default, a new Umpire shall be appointed as nearly as may be in manner aforesaid, who shall make his Award within the like Time, or on default be superseded; and so toties quoties.

The Award of the Arbitrators or Umpire shall be final and conclusive as between the Board of Trade and the Company.

In Emergencies Telegraphs may be taken possession of for Her Majesty's Service.

46. Where, in the Opinion of One of Her Majesty's Principal Secretaries of State, an Emergency has arisen in which it is expedient for the Public Service that Her Majesty's Government should have Controul over the Transmission of Messages by the Company's Telegraphs, the Secretary of State may, by Warrant under his Hand, direct and cause the Company's Works, or any Part thereof, to be taken possession of in the Name and on behalf of Her Majesty,

and to be used for Her Majesty's Service, and, subject thereto, for such ordinary Service as may seem fit. Any such Warrant shall not have effect for a longer Time than One Week from the issuing thereof; but the Secretary of State may issue successive Warrants from Week to Week as long as, in his Opinion, such Emergency continues. The Commissioners of Her Majesty's Treasury shall pay to the Company as Compensation, out of Money to be provided by Parliament for the Purpose, a Sum equal to the Amount of Profits which the Company would have made if Possession had not been so taken, calculated on an Average of the Company's weekly Profits for the Three Months next before the issuing of the first of such Warrants.

Power to proceed against Company given to Law Officers of Crown on Certificate of Board of Trade.

47. Where it appears to the Board of Trade that any Provision of this Act has not been complied with on the Part of the Company, and that it would be for the public Advantage that the due Performance thereof should be enforced, the Board of Trade may certify accordingly to Her Majesty's Attorney General for England or for Ireland, or to the Lord Advocate for Scotland, as the Case may require; and thereupon the Attorney General or Lord Advocate may, by such Civil or Criminal Proceeding as the Case may require, enforce the due Performance of such Provision, by the Recovery of Penalties, or otherwise according to Law. But no such Certificate shall be made by the Board of Trade until Twenty-one Days after they have given Notice to the Company of their Intention to make the same. This Provision shall be deemed to be cumulative, and to be without Prejudice to any other Remedy or Process against the Company on the Part of the Crown or of any Person or Body.

SCHE-

SCHEDULE.

Enactments in Special Acts of existing Companies which are not to be affected by this Act.

Session and Chapter of Act.	Short Title of Act.	Enactments to which Saving extends.
16 & 17 Vict. c. clix. -	The British Electric Telegraph Company's Act, 1853.	Section Forty-three (relating to Works affecting the Thames).
16 & 17 Vict. c. cciii.	The Electric Telegraph Company's Act, 1853.	Section Fifty-six (relating to Works affecting the Thames).
24 & 25 Vict. c. lxi. -	The Universal Private Telegraph Company's Act, 1861.	Section Twenty-seven (relating to Works affecting the Mersey Dock Estate).
24 & 25 Vict. c. xcii. -	Bonelli's Electric Telegraph Act, 1861.	Sections Twenty-five, Twenty-six, Twenty-seven (relating to Works affecting the Thames), and Thirty-eight and Thirty-nine (relating to Works affecting the Mersey, and to the Mersey and Irwell Navigation).
25 & 26 Vict. c. cxxxi.	United Kingdom Electric Telegraph Act, 1862.	Sections Fifty-three, Fifty-four, Fifty-five (relating to Works affecting the Thames), Fifty-seven, Fifty-eight (relating to Works affecting the Mersey, and to the Mersey and Irwell Navigation), Seventy-four (relating to a Sale, Transfer, or Lease), and Seventy-six (relating to Works in Scotland).

Telegraphs.

A

BILL

[AS AMENDED IN COMMITTEE]

To regulate the Exercise of Powers under Special Acts for the Construction and Maintenance of Telegraphs.

(Prepared and brought in by Mr. Milner Gibson and Mr. Hutt.)

Ordered, by The House of Commons, *to be Printed,* 26 *February* 1863.

[Bill 38.]

Under 3 oz.

Telegraphs Bill.

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT.]

ARRANGEMENT OF CLAUSES.

Preliminary.

CLAUSES.

1. Short Title.
2. Application of Act to all future Telegraph Companies, and also to all existing Telegraph Companies, but not so as to affect an existing Company in respect of past Exercise of Powers.
3. Interpretation.
4. Recovery of Damages, Costs, Expenses, and Penalties.
5. Provisions as to Notices and Consents.

General Powers of Company.

6. General Description of Works which a Telegraph Company may execute, subject to the Restrictions of this Act.

Restrictions as to Telegraphs under Streets and public Roads.

7. For underground Works in Metropolis and large Towns Consent of Street Authority requisite.
8. Depth, Course, &c. of underground Works to be agreed on between Street or Road Authority and Company, or else to be determined by Justices or Sheriff.
9. Underground Tubes to have distinguishing Mark.

Restrictions as to aboveground Works affecting Streets and public Roads.

10. For Works over or on Street or public Road, Consent of Street or Road Authority requisite.

Removal of Works affecting Streets and public Roads.

11. In case of Abandonment of Works, &c., Street or Road Authority may remove them.

Restrictions as to the Opening of Streets and public Roads.

12. Streets and public Roads to be opened only after Notice and under Superintendence.
13. Streets and public Roads to be restored and kept in repair for Six Months; Penalty.
14. Restrictions on Impediments to Traffic.

Restrictions as to Works affecting private or Crown Property.

15. Crown Property.
16. For Works under or over Land Consent of Owner, &c. requisite.
17. Power to Owner, Lessee or Occupier of House in Street to object to Telegraph less than Six Feet above Roof.
18. For Telegraphs above Ground, and Posts, within certain Distance of Dwelling Houses, Consent of Occupier, &c. requisite.
19. Notices to be published, and left at Dwelling Houses, of intended Telegraph along public Road, after Consent of Road Authority obtained.
20. Owner or Occupier of adjoining Land or House may object.
21. Works to be stayed.
22. Examination and Inquiry to be made by Board of Trade.
23. Powers of Board of Trade respecting the Objection.
24. Decision of Board of Trade final.
25. Costs.

Removal or Alteration of Works affecting Land or Buildings.

26. For Building or other Purposes, Owner, &c. may require Removal of Works though not originally objected to, but subject to Reference to Board of Trade.

Restrictions as to Works affecting Railways and Canals.

27. For Works affecting Railways, Canals, &c. Consent of Directors, &c. requisite.
28. Access from future Docks to Canal.

Appointment of Arbitrator by Board of Trade.

29. Board of Trade may in any Case appoint Arbitrator.

Restrictions as to Works affecting Seashore.

30. For Works on Seashore, Consent of Proprietors of Shore and Conservancy or other Authorities requisite.
31. Plan of such Works to be subject to Approval of Board of Trade.

32. Power of Board of Trade as to such Works if disused, &c.
33. Local Survey of such Works by Board of Trade.
34. Recovery of Expenses by Board of Trade in such Cases.

General Obligations and Liabilities of Company and their Servants.

35. Telegraph to be open for all Messages without Preference; subject to Leases.
36. Company to be responsible for all Damages.
37. Sale, &c. of Undertaking, and Leases of Lines (with Exceptions) prohibited, except with Consent of Board of Trade.
38. Punishment of Officers of Company for Misconduct respecting Messages.
39. Saving for Effect of future General Acts.

Saving as to Restrictions on and Duties of existing Companies.

40. Certain Enactments in Special Acts not affected by this Act.

Powers of Her Majesty's Government over Company.

41. Messages on Her Majesty's Service to have Priority.
42. On Request of Board of Trade Company to place Telegraph.
43. On Refusal or Neglect of Company, Power to Board of Trade to place such Telegraph.
44. Remuneration of Company for placing such Telegraph.
45. In Emergencies Telegraphs may be taken possession of for Her Majesty's Service.
46. Power to proceed against Company given to Law Officers of the Crown on Certificate of Board of Trade.

SCHEDULE.

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

TO

Regulate the Exercise of Powers under Special Acts for the Construction and Maintenance of Telegraphs.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited as The Telegraph Act, 1863. Short Title.

2. This Act shall apply— Application of Act to all future Telegraph Companies, and also to all existing Telegraph Companies, but not so as to affect an existing Company in respect of past Exercise of Powers.

(1.) To every Company to be hereafter authorized by Special Act of Parliament to construct and maintain Telegraphs:

(2.) To every Company already so authorized by any such Special Act, notwithstanding anything in any such Special Act contained,—but so that, except as herein-after expressly provided, nothing in this Act shall give to any Owner, Lessee, or Occupier of Land, or other Person, or to any Body, as against any such Company as last aforesaid, in respect of anything already lawfully done by such Company under any such Special Act, any further or other Right, Power, Jurisdiction, Authority, or Remedy than he

or they would have had if this Act had not been passed; and also that nothing in this Act shall interfere with the Maintenance or Repair, under any such Special Act, of any Work already lawfully constructed by any such Company under any such Special Act, or shall relieve any such Company from any Obligation or Liability under any Agreement already made.

Interpretation.

3. In this Act—

The Term "the Company" means any Company to be hereafter authorized as aforesaid (herein-after distinguished by the Term "future Company"), or any Company already so authorized (herein-after distinguished by the Term "existing Company"):

The Term "Telegraph" means a Wire or Wires used for the Purpose of Telegraphic Communication, with any Casing, Coating, Tube, or Pipe inclosing the same, and any Apparatus connected therewith for the Purpose of Telegraphic Communication:

The Term "Post" means a Post, Pole, Standard, Stay, Strut, or other aboveground Contrivance for carrying, suspending, or supporting a Telegraph:

The Term "Work" includes Telegraphs and Posts:

The Term "Street" means a public Way or Street, Square, Alley, or Court, whether a Thoroughfare or not, situate within a City, Town, or Village, or between Lands continuously built upon, and being repairable at the public Expense, or a public Highway for Carriages, within or passing through a City, Town, or Village, or passing between Lands continuously built upon, and being repairable at the public Expense, including the Footpaths of such Way, Street, Square, Alley, Court or Highway, and any Bridge forming Part thereof:

The Term "public Road" means a public Highway for Carriages being repairable at the public Expense, and not being a Street, including the Footpaths of such public Highway, and any Bridge forming Part thereof, and also any Land by the Side and forming Part of such a public Highway, but not including a Railway or Canal:

The Term "Railway" includes any Station, Work, or Building connected with a Railway:

The Term "Canal" includes Navigation or navigable River, and any Dock, Basin, Towing-path, Wharf, Work, or Building connected with a Canal:

The Term "Land" means Land not being a Street or public Road, and not being Land by the Side and forming Part of a public Road, and includes Land laid out for and proposed by the Owner to be converted into a Street or public Road:

The Term "Body" includes a Body of Trustees or Commissioners, Municipal Corporation, Board, Vestry, Company, or Society, whether

whether incorporated or not; and any Provision referring to a Body applies to a Person, as the Case may require:

The Term "Person" includes Corporation Aggregate or Sole:

The Term "the Board of Trade" means the Lords of the Committee of Her Majesty's Privy Council for the Time being appointed for the Consideration of Matters relating to Trade and Foreign Plantations:

The Term "Justice" means Justice of the Peace acting for the Place where the Matter requiring the Cognizance of any such Justice arises, and not being interested in the Matter:

The Term "Two Justices" means Two or more Justices met and acting together, or any One Police Magistrate or Justice having by Law Authority to act alone for any Purpose with the Powers of Two Justices:

The Term "Sheriff" means the Sheriff Depute of the County or Ward of a County in Scotland, and the Steward Depute of the Stewartry in Scotland, in which the Matter submitted to the Cognizance of the Sheriff arises, and includes the Substitutes of such Sheriff Depute and Steward Depute respectively.

Recovery of Damages, Costs, Expenses, and Penalties.

4. The Provisions of The Railways Clauses Consolidation Act, 1845, with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices, and the Provisions of The Railways Clauses Consolidation (Scotland) Act, 1845, with respect to the Recovery of Damages not specially provided for, and to the Determination of any other Matter referred to the Sheriff, or to Justices, shall, so far as the same are applicable, and save so far as the same are inconsistent with any express Provision of this Act, be incorporated with this Act; and Terms used in those Provisions shall be interpreted as the same Terms are directed to be interpreted in this Act.

Provisions as to Notices and Consents.

5. The following Provisions shall apply to Notices and Consents under this Act:—

(1.) Every Notice or Consent shall be in Writing or Print, or partly in Writing and partly in Print:

(2.) Any Notice to or by a Body having the Controul of a Street or public Road, or of the Sewerage or Drainage thereunder, may be given to or by the Secretary, Clerk, or Surveyor, or other like Officer (if any) of such Body:

(3.) Any Consent may be given on such pecuniary or other Terms (being in themselves lawful), or subject to such Stipulations as to the Time or Mode of Execution of any Work, or as to the Removal or Alteration, in any event, of any Work, or as to any other thing connected with or relative to any Work, as the Person or Body giving Consent thinks fit.

General Powers of Company.

General Description of Workswhich a Telegraph Company may execute, subject to the Restrictions of this Act.

6. Subject to the Restrictions and Provisions herein-after contained, the Company may execute Works as follows:—

(1.) They may place and maintain a Telegraph under any Street or public Road, and may alter or remove the same:

(2.) They may place and maintain a Telegraph over, along, or across any Street or public Road, and place and maintain Posts in or upon any Street or public Road, and may alter or remove the same:

(3.) They may, for the Purposes aforesaid, open or break up any Street or public Road, and alter the Position thereunder of any Pipe (not being a Main) for the Supply of Water or Gas:

(4.) They may place and maintain a Telegraph and Posts under, in, upon, over, along, or across any Land or Building, or any Railway or Canal, or any Estuary or Branch of the Sea, or the Shore or Bed of any Tidal Water, and may alter or remove the same:

But in the Exercise of such Powers the Company shall do as little Damage as may be, and shall make full Compensation to all Bodies and Persons interested for all Damage sustained by them by reason or in consequence of the Exercise of such Powers (such Compensation to be ascertained, paid, and enforced in manner provided in The Lands Clauses Consolidation Act, 1845, and The Lands Clauses Consolidation (Scotland) Act, 1845, as the Case may require, with respect to Compensation for Lands taken under those Acts respectively), and shall also cause as little Detriment or Inconvenience as Circumstances admit to the Body or Person to or by whom any such Water or Gas Pipe as aforesaid belongs or is used, and shall not alter the Position of any such Water or Gas Pipe, except upon or immediately after the Expiration of not less than Twenty-four Hours Notice given by them to the Body or Person to whom the Pipe belongs; and with Liberty for the Body to whom any such Water or Gas Pipe belongs, when and as Occasion requires, to alter the Position of any Work of the Company under, in, or upon a Street or public Road, on the same Conditions as are by the present Section imposed on the Company in relation to such a Body, mutatis mutandis.

Restrictions as to Telegraphs under Streets and public Roads.

For underground Works in Metropolis and large Towns Consent of Street Authority requisite.

7. The Company shall not place a Telegraph under any Street within the Limits of the District over which the Authority of the Metropolitan Board of Works extends, or of any City or Municipal Borough or Town Corporate, or of any Town having a Population of Thirty thousand Inhabitants or upwards (according to the latest Census), except with the Consent of the Bodies having the Controul of the Streets within such respective Limits.

8. Where

Depth, Course, &c. of underground Works to be agreed on between Street or Road Authority and Company, or else to be determined by Justices or Sheriff.

8. Where the Company intends to place a Telegraph under a Street or public Road, the Depth, Course, and Position at and in which the same is to be placed shall be settled between the Company and the following Bodies:

The Body having the Controul of the Street or public Road:

The Body having the Controul of the Sewerage or Drainage thereunder:

But if such Settlement is not come to with any such Body, the following Provisions shall take effect:—

(1.) The Company may give to such Body a Notice specifying the Depth, Course, and Position which the Company desires:

(2.) If the Body to whom such Notice is given does not, within Fourteen Days after the giving of such Notice, give to the Company a Counter-Notice objecting to the Proposal of the Company, and specifying the Depth, Course, and Position which such Body desires, they shall be deemed to have agreed to the Proposal of the Company:

(3.) In the event of ultimate Difference between the Company and such Body, the Depth, Course, and Position shall be determined in England or Ireland by Two Justices, and in Scotland by the Sheriff.

Underground Tubes to have distinguishing Mark.

9. Every underground Tube or Pipe of the Company shall be so marked as to distinguish it from Tubes or Pipes of every other Company.

Restrictions as to aboveground Works affecting Streets and public Roads.

For Works over or on Street or public Road, Consent of Street or Road Authority requisite.

10. The Company shall not place a Telegraph over, along, or across a Street or public Road, or a Post in or upon a Street or public Road, except with the Consent of the Body having the Controul of such Street or public Road;—subject to this Proviso, that where the Company is desirous of placing a Telegraph over a public Road, either along the same for a less Distance in the whole than One hundred Yards, or across the same, and the Body having the Controul of such public Road does not consent to the Company so doing, then, on the Application of the Company to the Board of Trade for leave to do so, and on Notice to such Body, the Board of Trade may make Inquiry and Examination, and hear and determine the Matter of the Difference between the Company and such Body, and may either disallow the Application of the Company, or may authorize the Company, notwithstanding the Want of the Consent of such Body, to proceed with their proposed Works, with or without Modification, and subject or not to any Terms or Conditions, as the Board of Trade thinks fit; and the Determination of the Board of Trade shall be binding on the Company and on such Body.

Removal of Works affecting Streets and public Roads.

In case of Abandonment of Works, &c., Street or Road Authority may remove them.

11. In the following Cases—

(1.) If any Part of the Company's Works affecting a Street or public Road is abandoned, or suffered to fall into Decay;

(2.) If the Company is dissolved, or ceases for Six Months to carry on Business,

the Body having the Controul of the Street or public Road affected (in the former Case) by such Part of the Company's Works as aforesaid, or (in the latter Case) by any of the Company's Works, may give Notice to the Company, or leave a Notice at the last known Office or Place of Business of the Company, to the Effect that if such Works (being Works affecting a Street or public Road) as are specified in the Notice are not removed within One Month after the Notice given or left, the same will be removed by the Body having such Controul; and in every such Case, unless such Works are removed accordingly, the Body having such Controul may, without Prejudice to any Remedy against the Company, remove such Works, or any Part thereof, and sell the Materials thereof or of any Part thereof, and, out of the Proceeds of such Sale, reimburse themselves their Expenses relative to such Notice, Removal, and Sale, and consequent thereon (rendering the Overplus, if any, to the Company), and may recover any unpaid Residue of such Expenses from the Company. The present Section shall apply to an existing Company, in respect of any Work already constructed or to be hereafter constructed, as well as to a future Company.

Restrictions as to the Opening of Streets and Public Roads.

Streets and public Roads to be opened only after Notice and under Superintendence.

12. Subject to any special Stipulations made with a Company by the Body having the Controul of a Street or public Road, where the Company proceeds to open or break up a Street or public Road, the following Provisions shall take effect:—

(1.) The Company shall give to the Bodies between whom respectively and the Company the Depth, Course, and Position of a Telegraph under such Street or public Road are herein-before required to be settled or determined, Notice of their Intention to open or break up such Street or public Road, specifying the Time at which they will begin to do so, —such Notice to be given, in the Case of an underground Work, Ten Days, and in the Case of an aboveground Work Three Days, at least, before the Commencement of the Work; except in case of Emergency, in which Case Notice of the Work proposed shall be given as soon as may be after the Commencement thereof:

(2.) The Company shall not (save in case of Emergency) open or break up any Street or public Road, except under the Superintendence

Superintendence of the Bodies to whom respectively Notice is by the present Section required to be given, unless such Bodies respectively refuse or neglect to give such Superintendence at the Time specified in the Notice for the Commencement of the Work, or discontinue the same during the Work:

(3.) The Company shall pay all reasonable Expenses to which such Bodies respectively may be put on account of such Superintendence.

Streets and public Roads to be restored and kept in repair for Six Months; Penalty.

13. Subject to any such special Stipulations as aforesaid, after the Company has opened or broken up a Street or public Road they shall be under the following further Obligations:—

(1.) They shall, with all convenient Speed, complete the Work on account of which they opened or broke up the same, and fill in the Ground, and make good the Surface, and generally restore the Street or public Road to as good a Condition as that in which it was before being opened or broken up, and carry away all Rubbish occasioned thereby:

(2.) They shall in the meantime cause the Place where the Street or public Road is opened or broken up to be fenced and watched, and to be properly lighted at Night:

(3.) They shall pay all reasonable Expenses of keeping the Street or public Road in good Repair for Six Months after the same is restored, so far as such Expenses may be increased by such opening or breaking up.

If the Company fails to comply in any respect with the Provisions of the present Section, they shall for every such Offence (without Prejudice to the Right of any Person to enforce specific Performance of the Requirements of this Act, or to any other Remedy against them), be liable to a Penalty not exceeding Twenty Pounds; and any such Penalty shall (notwithstanding anything herein-before, or in any Act relating to Municipal Corporations, or to the Metropolitan Police Force, or in any other Act, contained) go and belong to the Body having the Controul of the Street or public Road, and shall form Part of the Funds applicable by them to the Maintenance of the Street or public Road.

Restrictions on Impediments to Traffic.

14. The Company shall not stop or impede Traffic in any Street or public Road further than is necessary for the proper Execution of their Works. They shall not close against Traffic more than One Third in Width of any Street or public Road at One Time; and in case Two Thirds thereof are not wide enough to allow Two Carriages to pass each other, they shall not occupy with their Works at One Time more than Fifty Yards in Length of the One Third thereof,

thereof, except with the special Consent of the Body having the Controul of the Street or public Road.

Restrictions as to Works affecting private or Crown Property.

Crown Property.

15. The Company shall not place any Work under, in, upon, over, along, or across any Land or Building belonging to or enjoyed by the Queen's most Excellent Majesty in right of Her Crown, without the previous Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, which Consent such Commissioners, or One of them, may give.

For Works under or over Land Consent of Owner, &c. requisite.

16. The Company shall not place any Work under, in, or upon any Land or Building, except with the Consent of the Owner, Lessee, and Occupier thereof; and, save as herein-after expressly provided, the Company shall not place any Work over, along, or across any Land or Building, except with the Consent of the Owner, Lessee, and Occupier thereof.

Power to Owner, Lessee, or Occupier of House in Street to object to Telegraph less than Six Feet above Roof.

17. Where the Body having the Controul of a Street consents to the placing of Works in, upon, over, along, or across the Street, that Consent shall be sufficient Authority for the Company to place and maintain a Telegraph over, along, or across any Land or Building adjoining to or near the Street, and within the Limits to which the Authority of such Body extends,—subject to this Restriction, that where the Company places a Telegraph directly over any Dwelling House adjoining to or near the Street, they shall not place the same at a less Height above the Roof thereof than Six Feet, if the Owner, Lessee, or Occupier of the Dwelling House objects to their placing the same at a less Height.

For Telegraphs above Ground, and Posts, within certain Distance of Dwelling Houses, Consent of Occupier, &c. requisite.

18. Subject and without Prejudice to the foregoing Provisions, the Company shall not place a Telegraph above Ground, or a Post, within Ten Yards of a Dwelling House of the annual Value of Twenty Pounds or upwards (whether adjoining to or near a Street or not), or place a Telegraph above Ground across an Avenue or Approach to such a Dwelling House, except subject and according to the following Restrictions and Provisions:—

(1.) They shall in each such Case obtain the Consent of the Occupier (if any) of such Dwelling House, and if there is no Occupier, then of the immediate Lessee, and if there is none, then of the Owner:

(2.) The Consent of an Occupier shall be effective only during the Continuance of his Occupation:

(3.) On the Termination of the Occupation of any Occupier, the Lessee or Owner entitled to Possession, if he did not consent to

to the placing of the Telegraph or Post, may give Notice to the Company that he requires it to be removed:

(4.) The Company shall remove the same accordingly within One Month after receiving such Notice:

(5.) If any Question arises between a Lessee or Owner and the Company as to such Removal, or the Time or Mode thereof, the same shall be referred to the Determination in England or Ireland of Two Justices, and in Scotland of the Sheriff, which Justices or Sheriff may give such Directions as to such Removal, and the Time and Mode thereof, as may seem reasonable, and may impose on the Company for not carrying such Directions into effect such Penalty not exceeding Five Pounds a Day as may seem just.

Notices to be published, and left at Dwelling Houses, of intended Telegraph along public Road, after Consent of Road Authority obtained.

19. Before the Company proceeds to place a Telegraph over, along, or across a public Road, or to place Posts in or upon a public Road, they shall publish a Notice stating that they have obtained the Consent in that Behalf of the Body having the Controul of the public Road, and describing the intended Course of the Telegraph,—

(1.) By affixing such Notice on some conspicuous Places by the Side of the Part of the Road affected, at Distances of not more than One Mile apart:

(2.) By leaving such Notice at every Dwelling House fronting on the Part of the Road affected, and being within Fifty Feet thereof:

(3.) By inserting such Notice as an Advertisement once at least in each of Two successive Weeks in some One and the same local Newspaper circulating in the Neighbourhood of the Part of the Road affected:

And they shall not so place any such Telegraph or Post until the Expiration of Twenty-one Days from the last Publication of such Advertisement.

Owner or Occupier of adjoining Land or House may object.

20. At any Time during such Twenty-one Days the Owner, Lessee, or Occupier of any Land or Building adjoining to either Side of such Road may give to the Company Notice of his Objection to their intended Works as injuriously affecting such Land or Building, and send to the Board of Trade a Copy of his Notice of Objection.

Works to be stayed.

21. Until such Objection is settled, or is determined in manner herein-after provided, the Company shall not execute that Part of their intended Works to which the Objection relates.

Examination and Inquiry to be made by Board of Trade.

22. As soon as may be after the Receipt of such Copy of Notice of Objection, the Board of Trade shall (unless the Difference between the Company and the Person objecting is arranged) make Inquiry and Examination, and hear and determine the Matter of the Objection.

Powers of Board of Trade respecting the Objection.

23. On hearing any such Objection the Board of Trade—

(1.) may allow the Objection, wholly or in part; or

(2.) may authorize the Company to proceed with their Works according to their published Notice, paying to the Owner, Lessee, or Occupier objecting full Compensation (the Amount thereof to be determined, in case of Difference, by the Board of Trade) for any Damage done to him; or

(3.) may authorize the Company to so proceed subject to any such Conditions as to the Time or Mode of Execution of any Work, or as to the Removal or Alteration in any event of any Work, or as to any other Thing connected with or relative to any Work, as the Board of Trade thinks fit; or

(4.) may authorize the Company to so proceed subject to any such Modification of any intended Work as the Board of Trade prescribes; but so that in that Case such Notice and Opportunity of objecting and being heard as the Board of Trade directs shall be given to any Owner, Lessee, or Occupier whom such Modification may affect.

Decision of Board of Trade final.

24. The Determination of the Board of Trade on the Matter of any such Objection shall be final and conclusive.

Costs.

25. The Board of Trade may allow to any Owner, Lessee, or Occupier so objecting such Costs as seem just, to be paid by the Company.

Removal or Alteration of Works affecting Land or Buildings.

For Building or other Purposes, Owner, &c. may require Removal of Works though not originally objected to, but subject to Reference to Board of Trade.

26. If at any Time after the Company has constructed any Work under, in, upon, over, along, or across any Land or Building, or any Street or public Road adjoining to or near any Land or Building, any Owner, Lessee, or Occupier of such Land or Building, or any Lord of a Manor, or other Person having any Interest in such Land or Building, desires to build upon or inclose such Land, or in any Manner to improve or alter such Land or Building, or to use such Land or Building in some Manner in which it was not actually used at the Time of the Construction of such Work by the Company, and with which the Continuance of such Work would materially interfere, then and in every such Case the following Provisions shall take effect:—

(1.) Such Owner, Lessee, Occupier, Lord of a Manor, or other Person interested may give to the Company a Notice requiring them to remove or alter such Work, and specifying the Grounds of such Requisition:

(2.) Within One Month after such Notice received the Company shall either remove or alter the Work, in accordance with the Notice, or else deliver to the Person giving the Notice a Counter-

Counter-Notice, specifying their Objection to such Removal or Alteration:

(3.) The Person giving the Notice may send Copies of the Notice and Counter-Notice to the Board of Trade:

(4.) As soon as may be after Receipt of such Copies, the Board of Trade shall (unless the Difference between the Person giving the Notice and the Company is arranged) make Inquiry and Examination, and hear and determine the Matter of the Notice and Counter-Notice:

(5.) On hearing any such Matter, the Board of Trade may direct that the Company shall comply with the Notice, wholly or in part, or subject to any such Modifications as the Board of Trade prescribes, or on condition that the Person giving the Notice shall afford to the Company all reasonable and proper Facilities in his Power for substituting some other Work for that to which the Notice relates, or on any such other Condition as to the Board of Trade seems, according to the Circumstances of the Case, just and expedient:

(6.) Nothing herein shall empower any Person to obtain the Removal or Alteration of any Work, the Construction whereof was consented to by him, or by any Person through whom he takes his Estate or Interest, for full and valuable Consideration passing from the Company to him or the Person through whom he takes.

The present Section shall apply to any Work already constructed under any Special Act, with and subject to this additional Provision,—that the Person obtaining the Removal or Alteration of any such Work shall pay to the Company Compensation for any Expense or Damage incurred or sustained by them by reason of such Removal or Alteration, the Amount thereof to be determined, in case of Difference, by the Board of Trade.

Restrictions as to Works affecting Railways and Canals.

For Works affecting Railways, Canals, &c. Consent of Directors, &c. requisite.

27. The Company shall not place any Work under, in, upon, over, along, or across any Railway or Canal, except with the Consent of the Proprietors or Lessees, or of the Directors or Persons having the Controul thereof. But this Provision shall not restrict the Company from placing any Work (subject and according to the other Provisions of this Act) under, in, upon, over, along, or across any Street or public Road, although such Street or public Road may cross or be crossed by a Railway or Canal, so that such Work do not damage the Railway or Canal, or interfere with the Use, Alteration, or Improvement thereof.

Access from future Docks to Canal.

28. If at any Time after the Company has placed any Work under, in, upon, over, along, or across any Canal, any Person having

Power to construct Docks, Basins, or other Works upon any Land adjoining to or near such Canal constructs any Dock, Basin, or Work on such Land, but is prevented by the Company's Work from forming a Communication for the convenient Passage of Vessels with or without Masts between such Dock, Basin, or other Work, and such Canal, or if the Business of such Dock, Basin, or other Work is interfered with by reason or in consequence of any such Work of the Company, then the Company, at the Request of such Person, and on having reasonable Facilities afforded them by him for placing a Telegraph round such Dock, Basin, or other Work, under, in, upon, over, along, or across Land belonging to or under his Controul, shall remove and place their Work accordingly. If any Dispute arises between the Company and such Person as to the Facilities to be afforded to the Company, or as to the Direction in which the Telegraph is to be placed, it shall be determined by the Board of Trade.

Appointment of Arbitrator by Board of Trade.

Board of Trade may in any Case appoint Arbitrator.

29. If in any Case where any Matter is herein-before authorized or directed to be determined by the Board of Trade it appears to the Board of Trade to be expedient, for Convenience of local Investigation or for any other Reason, that the Matter should be determined by an Arbitrator, the Board of Trade may, notwithstanding anything herein-before contained, and whether the Board of Trade has entered on the Investigation or not, refer the Matter to some competent and impartial Person as Arbitrator; and with respect to the Matter so referred any such Arbitrator shall have the like Authority and Jurisdiction as the Board of Trade has under this Act, and his Determination shall have the same Effect as a Determination of the Board of Trade under this Act. The reasonable Expenses and Remuneration of the Arbitrator (to be settled in case of Difference by the Board of Trade) shall be paid by the Company.

Restrictions as to Works affecting Seashore.

For Works on Seashore, Consent of Proprietors of Shore and Conservancy or other Authorities requisite.

30. The Company shall not place any Work under, in, upon, over, along, or across any Estuary or Branch of the Sea, or the Shore or Bed of any tidal Water, except with the Consent of all Persons and Bodies having any Right of Property, or other Right, Power, Jurisdiction, or Authority in, over, or relating to the same, which may be affected or be liable to be affected by the Exercise of the Powers of the Company (which Consent, where Her Majesty in right of Her Crown is interested, may be given on behalf of Her Majesty by the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, in Writing signed by them or him).

31. Before

Plan of such Works to be subject to Approval of Board of Trade.

31. Before commencing the Construction of any such Work as last aforesaid, or of any Buoy or Sea Mark connected therewith, the Company shall deposit at the Office of the Board of Trade a Plan thereof, for the Approval of the Board of Trade. The Work shall not be constructed otherwise than in accordance with such Approval. If any Work is constructed contrary to this Provision, the Board of Trade may, at the Expense of the Company, abate and remove it, or any Part of it, and restore the Site thereof to its former Condition.

Power of Board of Trade as to such Works if disused, &c.

32. If any such Work, Buoy, or Sea Mark is abandoned, or suffered to fall into Decay, the Board of Trade may, if and as they think fit, at the Expense of the Company, either repair and restore it or any Part of it, or abate and remove it or any Part of it, and restore the Site thereof to its former Condition.

Local Survey of such Works by Board of Trade.

33. The Board of Trade may at any Time, at the Expense of the Company, cause to be made a Survey and Examination of any such Work, Buoy, or Sea Mark, or of the Site thereof.

Recovery of Expenses by Board of Trade in such Cases.

34. Whenever the Board of Trade, under the Authority of this Act, does, in relation to any such Work, any Act or Thing which they are by this Act authorized to do at the Expense of the Company, the Amount of such Expense shall be a Debt due to the Crown from the Company, and shall be recoverable as such, with Costs, or the same may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

General Obligations and Liabilities of Company and their Servants.

Telegraph to be open for all Messages without Preference; subject to Leases.

35. Every Telegraph of the Company shall be open for the Messages of all Persons alike, without Favour or Preference; but this Provision shall not prejudicially affect the Operation of any Lease authorized by this Act.

Company to be responsible for all Damages.

36. The Company shall be answerable for all Accidents and Injuries happening through the Act or Default of the Company or of any Person in their Employment by reason or in consequence of any of the Company's Works, and shall save harmless all Bodies having the Controul of Streets or public Roads, collectively and individually, and their Officers and Servants, from all Damages and Costs in respect of such Accidents and Injuries.

Sale, &c. of Undertaking and Leases of Wires (with Exceptions)

37. The Company shall not sell, transfer, or lease their Undertaking or Works, or any Part thereof, to any other Company or to any Body or Person, except with the Consent of the Board of Trade previously obtained for such Sale, Transfer, or Lease; but this

prohibited, except with Consent of Board of Trade.

this Provision shall not, as far as it relates to Leases, apply to the Universal Private Telegraph Company, constituted by the Special Act of 1861 in the Schedule to this Act mentioned, and shall not restrict the granting of any Lease by any Company in pursuance of any Agreement in that Behalf made before the Twelfth Day of February One thousand eight hundred and sixty-three.

Punishment Officers of of Company for Misconduct respecting Messages.

38. If any Person in the Employment of the Company—

Wilfully or negligently omits or delays to transmit or deliver any Message;

Or by any wilful or negligent Act or Omission prevents or delays the Transmission or Delivery of any Message;

Or improperly divulges to any Person the Purport of any Message,—

He shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds.

Saving for Effect of future General Acts.

39. Nothing in this Act, and nothing in any future Special Act, except so far as express Provision to the contrary hereof may be thereby made, shall relieve the Company from being subject to any Restrictions, Regulations, or Provisions which may hereafter be made by Act of Parliament respecting Telegraphs or Telegraph Companies or their Charges.

Saving as to Restrictions on and Duties of existing Companies.

Certain Enactments in Special Acts not affected by this Act.

40. Nothing in this Act shall affect any of the Enactments specified in the Schedule to this Act.

Powers of Her Majesty's Government over Company.

Messages on Her Majesty's Service to have Priority.

41. If One of Her Majesty's Principal Secretaries of State, or the Board of Trade, or other Department of Her Majesty's Government, requires the Company to transmit any Message on Her Majesty's Service, such Message shall (notwithstanding anything herein-before contained) have Priority over all other Messages; and the Company shall as soon as reasonably may be transmit the same, and shall, until Transmission thereof, suspend the Transmission of all other Messages.

On Request of Board of Trade Company to place Telegraph.

42. On the Request of the Board of Trade, the Company shall from Time to Time place and shall maintain such a Telegraph as the Board of Trade appoints, to be for the exclusive Use of Her Majesty, and to be applied to such Purposes, whether for the immediate Service of Her Majesty, or otherwise, as Her Majesty thinks fit.

43. If

On Refusal or Neglect of Company, Power to Board of Trade to place such Telegraph.

43. If the Company refuses or neglects to place a Telegraph in accordance with such Request, the Board of Trade may cause such a Telegraph to be placed in connection with any of the Company's Works, by such Persons and in such Manner as the Board of Trade thinks fit, and for that Purpose shall have and may exercise all the Powers under this Act or otherwise vested in the Company; subject, nevertheless, to the Restrictions and Provisions under this Act or otherwise applicable to the Company, and without Prejudice to the Exercise by the Company of the Powers under this Act or otherwise vested in them.

Remuneration of Company for placing such Telegraph.

44. Where the Company places a Telegraph, in pursuance of such Request of the Board of Trade, the Commissioners of Her Majesty's Treasury shall pay to the Company, as Remuneration for the same, out of Money to be provided by Parliament for the Purpose, such Sum, annual or in gross, or both, as may be settled between the Board of Trade and the Company by Agreement, or, in case of Difference, by Arbitration, such Arbitration to be conducted as follows:—

(1.) The Board of Trade and the Company shall each, within Fourteen Days after the Delivery by one to the other of a Demand in Writing for an Arbitration, nominate an Arbitrator:

(2.) If either Party makes default in so nominating an Arbitrator, the Arbitrator nominated by the other Party shall nominate a Second Arbitrator:

(3.) The Two Arbitrators nominated shall, before entering on the Arbitration, nominate an Umpire:

(4.) If either Arbitrator makes default in nominating an Umpire within Fourteen Days after receiving from the other a Demand in Writing for such Nomination, the Lord Chief Justice of Her Majesty's Court of Common Pleas at Westminster may, on the Request of the Board of Trade, or of the Company, by Writing under his Hand, nominate an Umpire:

(5.) The Arbitrators shall make their Award within Twenty-eight Days after their Nomination, otherwise the Matter shall be left to be determined by the Umpire:

(6.) The Umpire shall make his Award within Twenty-eight Days after Notice from the Arbitrators or One of them that the Matter is left to be determined by him; or, on default, a new Umpire shall be appointed as nearly as may be in manner aforesaid, who shall make his Award within the like Time, or on default be superseded; and so toties quoties.

The Award of the Arbitrators or Umpire shall be final and conclusive as between the Board of Trade and the Company.

 45. Where,

In Emergencies Telegraphs may be taken possession of for Her Majesty's Service.

45. Where, in the Opinion of One of Her Majesty's Principal Secretaries of State, an Emergency has arisen in which it is expedient for the Public Service that Her Majesty's Government should have Controul over the Transmission of Messages by the Company's Telegraphs, the Secretary of State, by Warrant under his Hand, may direct and cause the Company's Works, or any Part thereof, to be taken possession of in the Name and on behalf of Her Majesty, and to be used for Her Majesty's Service, and, subject thereto, for such ordinary Service as may seem fit; or may direct and authorize such Persons as he thinks fit to assume the Controul of the Transmission of Messages by the Company's Telegraphs, either wholly or partly, and in such Manner as he directs. Any such Warrant shall not have effect for a longer Time than One Week from the issuing thereof; but the Secretary of State may issue successive Warrants from Week to Week as long as, in his Opinion, such Emergency continues. The Commissioners of Her Majesty's Treasury shall pay to the Company, as Compensation for any Loss of Profit sustained by the Company by reason of the Exercise by the Secretary of State of any of the Powers of the present Section, out of Money to be provided by Parliament for the Purpose, such Sum as may be settled between the Secretary of State and the Company by Agreement, or, in case of Difference, by Arbitration,—such Arbitration to be conducted in mannerprovided in the last foregoing Section, the Secretary of State being only substituted for the Board of Trade.

Power to proceed against Company given to Law Officers of Crown on Certificate of Board of Trade.

46. Where it appears to the Board of Trade that any Provision of this Act has not been complied with on the Part of the Company, and that it would be for the public Advantage that Compliance therewith should be enforced, the Board of Trade may certify accordingly to Her Majesty's Attorney General for England or for Ireland, or to the Lord Advocate for Scotland, as the Case may require; and thereupon the Attorney General or Lord Advocate may, by such Civil or Criminal Proceeding as the Case may require, enforce Compliance with such Provision, by the Recovery of Penalties, or otherwise according to Law. But no such Certificate shall be made by the Board of Trade until Twenty-one Days after they have given Notice to the Company of their Intention to make the same. This Provision shall be deemed to be cumulative, and to be without Prejudice to any other Remedy or Process against the Company on the Part of Her Majesty or of any Person or Body.

SCHE-

SCHEDULE.

Enactments in Special Acts of existing Companies which are not to be affected by this Act.

Session and Chapter of Act.	Short Title of Act.	Enactments to which Saving extends.
16 & 17 Vict. c. clix. -	The British Electric Telegraph Company's Act, 1853.	Section Forty-three (relating to Works affecting the Thames).
16 & 17 Vict. c. cciii.	The Electric Telegraph Company's Act, 1853.	Section Fifty-six (relating to Works affecting the Thames).
24 & 25 Vict. c. lxi. -	The Universal Private Telegraph Company's Act, 1861.	Section Twenty-seven (relating to Works affecting the Mersey Dock Estate).
24 & 25 Vict. c. xcii. -	Bonelli's Electric Telegraph Act, 1861.	Sections Twenty-five, Twenty-six, Twenty-seven (relating to Works affecting the Thames), and Thirty-eight and Thirty-nine (relating to Works affecting the Mersey, and to the Mersey and Irwell Navigation).
25 & 26 Vict. c. cxxxi.	United Kingdom Electric Telegraph Act, 1862.	Sections Fifty-three, Fifty-four, Fifty-five (relating to Works affecting the Thames), Fifty-seven, Fifty-eight (relating to Works affecting the Mersey, and to the Mersey and Irwell Navigation), Seventy-four (relating to a Sale, Transfer, or Lease), and Seventy-six (relating to Works in Scotland).

Telegraphs.

A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

To regulate the Exercise of Powers under Special Acts for the Construction and Maintenance of Telegraphs.

(Prepared and brought in by Mr. Milner Gibson and Mr. Hutt.)

Ordered, by The House of Commons, *to be Printed,* 12 *March* 1863.

[Bill 57.]

Under 3 oz.

A

B I L L

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, AND ON SECOND RE-COMMITMENT]

TO

Regulate the Exercise of Powers under Special Acts for the Construction and Maintenance of Telegraphs.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited as The Telegraph Act, 1863. Short Title.

2. This Act shall apply— Application of Act to all future Telegraph Companies, and also to all existing Telegraph Companies, but not so as to affect an existing Company in respect of past Exercise of Powers.

(1.) To every Company to be hereafter authorized by Special Act of Parliament to construct and maintain Telegraphs:

(2.) To every Company already so authorized by any such Special Act, notwithstanding anything in any such Special Act contained,—but so that, except as herein-after expressly provided, nothing in this Act shall give to any Owner, Lessee, or Occupier of Land, or other Person, or to any Body, as against any such Company as last aforesaid, in respect of anything already lawfully done by such Company under any such Special Act, any further or other Right, Power, Jurisdiction, Authority, or Remedy than he

or they would have had if this Act had not been passed; and also that nothing in this Act shall interfere with the Maintenance or Repair, under any such Special Act, of any Work already lawfully constructed by any such Company under any such Special Act, or shall relieve any such Company from any Obligation or Liability under any Agreement already made.

Interpretation.

3. In this Act—

The Term "the Company" means any Company to be hereafter authorized as aforesaid (herein-after distinguished by the Term "future Company"), or any Company already so authorized (herein-after distinguished by the Term "existing Company"):

The Term "Telegraph" means a Wire or Wires used for the Purpose of Telegraphic Communication, with any Casing, Coating, Tube, or Pipe inclosing the same, and any Apparatus connected therewith for the Purpose of Telegraphic Communication:

The Term "Post" means a Post, Pole, Standard, Stay, Strut, or other aboveground Contrivance for carrying, suspending, or supporting a Telegraph:

The Term "Work" includes Telegraphs and Posts:

The Term "Street" means a public Way or Street, Square, Alley, or Court, whether a Thoroughfare or not, situate within a City, Town, or Village, or between Lands continuously built upon, and being repairable at the public Expense, or a public Highway for Carriages, within or passing through a City, Town, or Village, or passing between Lands continuously built upon, and being repairable at the public Expense, including the Footpaths of such Way, Street, Square, Alley, Court or Highway, and any Bridge forming Part thereof:

The Term "public Road" means a public Highway for Carriages being repairable at the public Expense, and not being a Street, including the Footpaths of such public Highway, and any Bridge forming Part thereof, and also any Land by the Side and forming Part of such a public Highway, but not including a Railway or Canal:

The Term "Railway" includes any Station, Work, or Building connected with a Railway:

The Term "Canal" includes Navigation or navigable River, and any Dock, Basin, Towing-path, Wharf, Work, or Building connected with a Canal:

The Term "Land" means Land not being a Street or public Road, and not being Land by the Side and forming Part of a public Road, and includes Land laid out for and proposed by the Owner to be converted into a Street or public Road:

The Term "Body" includes a Body of Trustees or Commissioners, Municipal Corporation, Board, Vestry, Company, or Society, whether

whether incorporated or not; and any Provision referring to a Body applies to a Person, as the Case may require:

The Term "Person" includes Corporation Aggregate or Sole:

The Term "the Board of Trade" means the Lords of the Committee of Her Majesty's Privy Council for the Time being appointed for the Consideration of Matters relating to Trade and Foreign Plantations:

The Term "Justice" means Justice of the Peace acting for the Place where the Matter requiring the Cognizance of any such Justice arises, and not being interested in the Matter:

The Term "Two Justices" means Two or more Justices met and acting together, or any One Police Magistrate or Justice having by Law Authority to act alone for any Purpose with the Powers of Two Justices:

The Term "Sheriff" means the Sheriff Depute of the County or Ward of a County in Scotland, and the Steward Depute of the Stewartry in Scotland, in which the Matter submitted to the Cognizance of the Sheriff arises, and includes the Substitutes of such Sheriff Depute and Steward Depute respectively.

Recovery of Damages, Costs, Expenses, and Penalties.

4. The Provisions of The Railways Clauses Consolidation Act, 1845, with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices, and the Provisions of The Railways Clauses Consolidation (Scotland) Act, 1845, with respect to the Recovery of Damages not specially provided for, and to the Determination of any other Matter referred to the Sheriff, or to Justices, shall, so far as the same are applicable, and save so far as the same are inconsistent with any express Provision of this Act, be incorporated with this Act; and Terms used in those Provisions shall be interpreted as the same Terms are directed to be interpreted in this Act.

Provisions as to Notices and Consents.

5. The following Provisions shall apply to Notices and Consents under this Act:—

(1.) Every Notice or Consent shall be in Writing or Print, or partly in Writing and partly in Print:

(2.) Any Notice to or by a Body having the Controul of a Street or public Road, or of the Sewerage or Drainage thereunder, may be given to or by the Secretary, Clerk, or Surveyor, or other like Officer (if any) of such Body:

(3.) Any Consent may be given on such Terms or Conditions (being in themselves lawful), or subject to such Stipulations as to the Time or Mode of Execution of any Work, or as to the Removal or Alteration, in any event, of any Work, or as to any other thing connected with or relative to any Work, as the Person or Body giving Consent thinks fit.

General Powers of Company.

General Description of Works which a Telegraph Company may execute, subject to the Restrictions of this Act.

6. Subject to the Restrictions and Provisions herein-after contained, the Company may execute Works as follows:—

(1.) They may place and maintain a Telegraph under any Street or public Road, and may alter or remove the same:

(2.) They may place and maintain a Telegraph over, along, or across any Street or public Road, and place and maintain Posts in or upon any Street or public Road, and may alter or remove the same:

(3.) They may, for the Purposes aforesaid, open or break up any Street or public Road, and alter the Position thereunder of any Pipe (not being a Main) for the Supply of Water or Gas:

(4.) They may place and maintain a Telegraph and Posts under, in, upon, over, along, or across any Land or Building, or any Railway or Canal, or any Estuary or Branch of the Sea, or the Shore or Bed of any Tidal Water, and may alter or remove the same:

But in the Exercise of such Powers the Company shall do as little Damage as may be, and shall make full Compensation to all Bodies and Persons interested for all Damage sustained by them by reason or in consequence of the Exercise of such Powers (such Compensation to be ascertained, paid, and enforced in manner provided in The Lands Clauses Consolidation Act, 1845, and The Lands Clauses Consolidation (Scotland) Act, 1845, as the Case may require, with respect to Compensation for Lands taken under those Acts respectively), and shall also cause as little Detriment or Inconvenience as Circumstances admit to the Body or Person to or by whom any such Water or Gas Pipe as aforesaid belongs or is used, and shall not alter the Position of any such Water or Gas Pipe, except upon or immediately after the Expiration of not less than Twenty-four Hours Notice given by them to the Body or Person to whom the Pipe belongs; and with Liberty for the Body to whom any such Water or Gas Pipe belongs, when and as Occasion requires, to alter the Position of any Work of the Company under, in, or upon a Street or public Road, on the same Conditions as are by the present Section imposed on the Company in relation to such a Body, mutatis mutandis.

Restrictions as to Telegraphs under Streets and public Roads.

For underground Works in Metropolis and large Towns Consent of Street Authority requisite.

7. The Company shall not place a Telegraph under any Street within the Limits of the District over which the Authority of the Metropolitan Board of Works extends, or of any City or Municipal Borough or Town Corporate, or of any Town having a Population of Thirty thousand Inhabitants or upwards (according to the latest Census), except with the Consent of the Bodies having the Controul of the Streets within such respective Limits.

8. Where

Depth, Course, &c. of underground Works to be agreed on between Street or Road Authority and Company, or else to be determined by Justices or Sheriff.

8. Where the Company intends to place a Telegraph under a Street or public Road, the Depth, Course, and Position at and in which the same is to be placed shall be settled between the Company and the following Bodies:

The Body having the Controul of the Street or public Road:

The Body having the Controul of the Sewerage or Drainage thereunder:

But if such Settlement is not come to with any such Body, the following Provisions shall take effect:—

(1.) The Company may give to such Body a Notice specifying the Depth, Course, and Position which the Company desires:

(2.) If the Body to whom such Notice is given does not, within Twenty-eight Days after the giving of such Notice, give to the Company a Counter-Notice objecting to the Proposal of the Company, and specifying the Depth, Course, and Position which such Body desires, they shall be deemed to have agreed to the Proposal of the Company:

(3.) In the event of ultimate Difference between the Company and such Body, the Depth, Course, and Position shall be determined in England or Ireland by Two Justices, and in Scotland by Two Justices or by the Sheriff.

Underground Tubes to have distinguishing Mark.

9. Every underground Tube or Pipe of the Company shall be so marked as to distinguish it from Tubes or Pipes of every other Company.

Restrictions as to aboveground Works affecting Streets and public Roads.

For Works over or on Street or public Road, Consent of Street or Road Authority requisite.

10. The Company shall not place a Telegraph over, along, or across a Street or public Road, or a Post in or upon a Street or public Road, except with the Consent of the Body having the Controul of such Street or public Road;—subject to this Proviso, that where the Company is desirous of placing a Telegraph over a public Road, either along the same for a less Distance in the whole than One hundred Yards, or across the same, and the Body having the Controul of such public Road does not consent to the Company so doing, then, on the Application of the Company to the Board of Trade for leave to do so, and on Notice to such Body, the Board of Trade may make Inquiry and Examination, and hear and determine the Matter of the Difference between the Company and such Body, and may either disallow the Application of the Company, or may authorize the Company, notwithstanding the Want of the Consent of such Body, to proceed with their proposed Works, with or without Modification, and subject or not to any Terms or Conditions, as the Board of Trade thinks fit; and the Determination of the Board of Trade shall be binding on the Company and on such Body.

Removal of Works affecting Streets and public Roads.

In case of Abandonment of Works, &c., Street or Road Authority may remove them.

11. In the following Cases—

(1.) If any Part of the Company's Works affecting a Street or public Road is abandoned, or suffered to fall into Decay;

(2.) If the Company is dissolved, or ceases for Six Months to carry on Business,

the Body having the Controul of the Street or public Road affected (in the former Case) by such Part of the Company's Works as aforesaid, or (in the latter Case) by any of the Company's Works, may give Notice to the Company, or leave a Notice at the last known Office or Place of Business of the Company, to the Effect that if such Works (being Works affecting a Street or public Road) as are specified in the Notice are not removed within One Month after the Notice given or left, the same will be removed by the Body having such Controul; and in every such Case, unless such Works are removed accordingly, the Body having such Controul may, without Prejudice to any Remedy against the Company, remove such Works, or any Part thereof, and sell the Materials thereof or of any Part thereof, and, out of the Proceeds of such Sale, reimburse themselves their Expenses relative to such Notice, Removal, and Sale, and consequent thereon (rendering the Overplus, if any, to the Company), and may recover any unpaid Residue of such Expenses from the Company. The present Section shall apply to an existing Company, in respect of any Work already constructed or to be hereafter constructed, as well as to a future Company.

Clause A. In event of Alteration of Street or Road, Company to remove and replace their Works under or over the same.

12. In case the Body having the Controul of any Street or Public Road shall at any Time hereafter resolve to alter the Line or Level of any Portion of such Street or Road under, over, along, or across which any Work of the Company may be placed, the Company shall from Time to Time be bound, on receiving One Month's Notice of such intended Alteration, and at their own Expense, to remove such Work, and to replace the same in such Position and Manner in all respects as shall be required by such Body, or, in the event of Difference between such Body and the Company, in such Position and Manner in all respects as shall be determined by the Sheriff.

Restrictions as to the Opening of Streets and Public Roads.

Streets and public Roads to be opened only after Notice and under Superintendence.

13. Subject to any special Stipulations made with a Company by the Body having the Controul of a Street or public Road, and to any Determinations, Orders, or Directions of the Board of Trade, Justices, or Sheriff as aforesaid, where the Company proceeds to open or break up a Street or public Road, the following Provisions shall take effect:—

(1.) The Company shall give to the Bodies between whom respectively and the Company the Depth, Course, and Position of

of a Telegraph under such Street or public Road are herein-before required to be settled or determined, Notice of their Intention to open or break up such Street or public Road, specifying the Time at which they will begin to do so, —such Notice to be given, in the Case of an underground Work, Ten Days, and in the Case of an aboveground Work Three Days, at least, before the Commencement of the Work; except in case of Emergency, in which Case Notice of the Work proposed shall be given as soon as may be after the Commencement thereof:

(2.) The Company shall not (save in case of Emergency) open or break up any Street or public Road, except under the Superintendence of the Bodies to whom respectively Notice is by the present Section required to be given, unless such Bodies respectively refuse or neglect to give such Superintendence at the Time specified in the Notice for the Commencement of the Work, or discontinue the same during the Work:

(3.) The Company shall pay all reasonable Expenses to which such Bodies respectively may be put on account of such Superintendence.

Streets and public Roads to be restored and kept in repair for Six Months; Penalty.

14. Subject to any such special Stipulations as aforesaid, after the Company has opened or broken up a Street or public Road they shall be under the following further Obligations:—

(1.) They shall, with all convenient Speed, complete the Work on account of which they opened or broke up the same, and fill in the Ground, and make good the Surface, and generally restore the Street or public Road to as good a Condition as that in which it was before being opened or broken up, and carry away all Rubbish occasioned thereby:

(2.) They shall in the meantime cause the Place where the Street or public Road is opened or broken up to be fenced and watched, and to be properly lighted at Night:

(3.) They shall pay all reasonable Expenses of keeping the Street or public Road in good Repair for Six Months after the same is restored, so far as such Expenses may be increased by such opening or breaking up:

If the Company fails to comply in any respect with the Provisions of the present Section, they shall for every such Offence (without Prejudice to the Right of any Person to enforce specific Performance of the Requirements of this Act, or to any other Remedy against them), be liable to a Penalty not exceeding Twenty Pounds; and any such Penalty shall (notwithstanding anything herein-before, or in any Act relating to Municipal Corporations, or to the Metropolitan Police Force, or in any other Act, contained) go and belong to the Body having

having the Controul of the Street or public Road, and shall form Part of the Funds applicable by them to the Maintenance of the Street or public Road.

CLAUSE B. Power to Street Authorities to execute Works and charge the Expenses to the Company.

15. That whenever the permanent Surface or Soil of any Street shall be broken up or opened by the Company, it shall be lawful for the Body having the Controul of the Street, in case they think it expedient so to do, to fill in the Ground, and to make good the Pavement or Surface or Soil so broken up or opened, and to carry away the Rubbish occasioned thereby, instead of permitting such Work to be done by the Company; and the Costs and Expenses of filling in such Ground, and of making good the Pavement or Soil so broken up or opened, shall be repaid on Demand to the Body having the Controul of the Street by the Company, and in default thereof shall be recovered by the Body having the Controul of the Street from the Company in the Manner herein-before mentioned.

Restrictions on Impediments to Traffic.

16. The Company shall not stop or impede Traffic in any Street or public Road further than is necessary for the proper Execution of their Works. They shall not close against Traffic more than One Third in Width of any Street or public Road at One Time; and in case Two Thirds thereof are not wide enough to allow Two Carriages to pass each other, they shall not occupy with their Works at One Time more than Fifty Yards in Length of the One Third thereof, except with the special Consent of the Body having the Controul of the Street or public Road.

Restrictions as to Works affecting private or Crown Property.

Crown Property.

17. The Company shall not place any Work under, in, upon, over, along, or across any Land or Building belonging to or enjoyed by the Queen's most Excellent Majesty in right of Her Crown, without the previous Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, which Consent such Commissioners, or One of them, may give.

For Works under or over Land Consent of Owner, &c. requisite.

18. The Company shall not place any Work under, in, or upon any Land or Building, except with the Consent of the Owner, Lessee, and Occupier thereof; and, save as herein-after expressly provided, the Company shall not place any Work over, along, or across any Land or Building, except with the Consent of the Owner, Lessee, and Occupier thereof.

Power to Owner, Lessee, or Occupier of House in Street to

19. Where the Body having the Controul of a Street consents to the placing of Works in, upon, over, along, or across the Street, that Consent shall be sufficient Authority for the Company to place and maintain a Telegraph over, along, or across any Land or Building

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ing adjoining to or near the Street, and within the Limits to which the Authority of such Body extends,—subject to this Restriction, that where the Company places a Telegraph directly over any Dwelling House adjoining to or near the Street, they shall not place the same at a less Height above the Roof thereof than Six Feet, if the Owner, Lessee, or Occupier of the Dwelling House objects to their placing the same at a less Height.

Object to Telegraph less than Six Feet above Roof.

20. Subject and without Prejudice to the foregoing Provisions, the Company shall not place a Telegraph above Ground, or a Post, within Ten Yards of a Dwelling House (whether adjoining to or near a Street or not), or place a Telegraph above Ground across an Avenue or Approach to such a Dwelling House, except subject and according to the following Restrictions and Provisions:—

For Telegraphs above Ground, and Posts, within certain Distance of Dwelling Houses, Consent of Occupier, &c. requisite.

(1.) They shall in each such Case obtain the Consent of the Occupier (if any) of such Dwelling House, and if there is no Occupier, then of the immediate Lessee, and if there is none, then of the Owner:

(2.) The Consent of an Occupier shall be effective only during the Continuance of his Occupation:

(3.) On the Termination of the Occupation of any Occupier, the Lessee or Owner entitled to Possession, if he did not consent to the placing of the Telegraph or Post, may give Notice to the Company that he requires it to be removed:

(4.) The Company shall remove the same accordingly within One Month after receiving such Notice:

(5.) If any Question arises between a Lessee or Owner and the Company as to such Removal, or the Time or Mode thereof, the same shall be referred to the Determination in England or Ireland of Two Justices, and in Scotland of Two Justices or the Sheriff, which Justices or Sheriff may give such Directions as to such Removal, and the Time and Mode thereof, as may seem reasonable, and may impose on the Company for not carrying such Directions into effect such Penalty not exceeding Five Pounds a Day as may seem just.

21. Before the Company proceeds to place a Telegraph over, along, or across a public Road, or to place Posts in or upon a public Road, they shall publish a Notice stating that they have obtained the Consent in that Behalf of the Body having the Control of the public Road, and describing the intended Course of the Telegraph,—

Notices to be published, and left at Dwelling Houses, of intended Telegraph along public Road, after Consent of Road Authority obtained.

(1.) By affixing such Notice on some conspicuous Places by the Side of the Part of the Road affected, at Distances of not more than One Mile apart:

(2.) By leaving such Notice at every Dwelling House fronting on the Part of the Road affected, and being within Fifty Feet thereof:

(3.) By inserting such Notice as an Advertisement once at least in each of Two successive Weeks in some One and the same local Newspaper circulating in the Neighbourhood of the Part of the Road affected:

And they shall not so place any such Telegraph or Post until the Expiration of Twenty-one Days from the last Publication of such Advertisement.

Owner or Occupier of adjoining Land or House may object.

22. At any Time during such Twenty-one Days the Owner, Lessee, or Occupier of any Land or Building adjoining to either Side of such Road may give to the Company Notice of his Objection to their intended Works as injuriously affecting such Land or Building, and send to the Board of Trade a Copy of his Notice of Objection.

Works to be stayed.

23. Until such Objection is settled, or is determined in manner herein-after provided, the Company shall not execute that Part of their intended Works to which the Objection relates.

Examination and Inquiry to be made by Board of Trade.

24. As soon as may be after the Receipt of such Copy of Notice of Objection, the Board of Trade shall (unless the Difference between the Company and the Person objecting is arranged) make Inquiry and Examination, and hear and determine the Matter of the Objection.

Powers of Board of Trade respecting the Objection.

25. On hearing any such Objection the Board of Trade—

(1.) may allow the Objection, wholly or in part; or

(2.) may authorize the Company to proceed with their Works according to their published Notice, paying to the Owner, Lessee, or Occupier objecting full Compensation (the Amount thereof to be determined, in case of Difference, by the Board of Trade) for any Damage done to him; or

(3.) may authorize the Company to so proceed subject to any such Conditions as to the Time or Mode of Execution of any Work, or as to the Removal or Alteration in any event of any Work, or as to any other Thing connected with or relative to any Work, as the Board of Trade thinks fit; or

(4.) may authorize the Company to so proceed subject to any such Modification of any intended Work as the Board of Trade prescribes; but so that in that Case such Notice and Opportunity of objecting and being heard as the Board of Trade directs shall be given to any Owner, Lessee, or Occupier whom such Modification may affect.

Decision of Board of Trade final.

26. The Determination of the Board of Trade on the Matter of any such Objection shall be final and conclusive.

Costs.

27. The Board of Trade may allow to any Owner, Lessee, or Occupier so objecting such Costs as seem just, to be paid by the Company.

Removal

Removal or Alteration of Works affecting Land or Buildings.

For Building or other Purposes, Owner, &c. may require Removal of Works though not originally objected to, but subject to Reference to Board of Trade.

28. If at any Time after the Company has constructed any Work under, in, upon, over, along, or across any Land or Building, or any Street or public Road adjoining to or near any Land or Building, any Owner, Lessee, or Occupier of such Land or Building, or any Lord of a Manor, or other Person having any Interest in such Land or Building, desires to build upon or inclose such Land, or in any Manner to improve or alter such Land or Building, or to use such Land or Building in some Manner in which it was not actually used at the Time of the Construction of such Work by the Company, and with which the Continuance of such Work would materially interfere, then and in every such Case the following Provisions shall take effect:—

(1.) Such Owner, Lessee, Occupier, Lord of a Manor, or other Person interested may give to the Company a Notice requiring them to remove or alter such Work, and specifying the Grounds of such Requisition:

(2.) Within One Month after such Notice received the Company shall either remove or alter the Work, in accordance with the Notice:

(3.) Nothing herein shall empower any Person to obtain the Removal or Alteration of any Work, the Construction whereof was consented to by him, or by any Person through whom he takes his Estate or Interest, for full and valuable Consideration passing from the Company to him or the Person through whom he takes.

The present Section shall apply to any Work already constructed under any Special Act, with and subject to this additional Provision, —that the Person obtaining the Removal or Alteration of any such Work shall pay to the Company Compensation for any Expense or Damage incurred or sustained by them by reason of such Removal or Alteration, the Amount thereof to be determined, in case of Difference, by the Board of Trade.

Restrictions as to Works affecting Railways and Canals.

For Works affecting Railways, Canals, &c. Consent of Directors, &c. requisite.

29. The Company shall not place any Work under, in, upon, over, along, or across any Railway or Canal, except with the Consent of the Proprietors or Lessees, or of the Directors or Persons having the Controul thereof. But this Provision shall not restrict the Company from placing any Work (subject and according to the other Provisions of this Act) under, in, upon, over, along, or across any Street or public Road, although such Street or public Road may cross or be crossed by a Railway or Canal, so that such Work do not damage the Railway or Canal, or interfere with the Use, Alteration, or Improvement thereof.

Access from future Docks to Canal.

30. If at any Time after the Company has placed any Work under, in, upon, over, along, or across any Canal, any Person having Power to construct Docks, Basins, or other Works upon any Land adjoining to or near such Canal constructs any Dock, Basin, or Work on such Land, but is prevented by the Company's Work from forming a Communication for the convenient Passage of Vessels with or without Masts between such Dock, Basin, or other Work, and such Canal, or if the Business of such Dock, Basin, or other Work is interfered with by reason or in consequence of any such Work of the Company, then the Company, at the Request of such Person, and on having reasonable Facilities afforded them by him for placing a Telegraph round such Dock, Basin, or other Work, under, in, upon, over, along, or across Land belonging to or under his Control, shall remove and place their Work accordingly. If any Dispute arises between the Company and such Person as to the Facilities to be afforded to the Company, or as to the Direction in which the Telegraph is to be placed, it shall be determined by the Board of Trade.

Appointment of Arbitrator by Board of Trade.

Board of Trade may in any Case appoint Arbitrator.

31. If in any Case where any Matter is herein-before authorized or directed to be determined by the Board of Trade it appears to the Board of Trade to be expedient, for Convenience of local Investigation or for any other Reason, that the Matter should be determined by an Arbitrator, the Board of Trade may, notwithstanding anything herein-before contained, and whether the Board of Trade has entered on the Investigation or not, refer the Matter to some competent and impartial Person as Arbitrator; and with respect to the Matter so referred any such Arbitrator shall have the like Authority and Jurisdiction as the Board of Trade has under this Act, and his Determination shall have the same Effect as a Determination of the Board of Trade under this Act. The reasonable Expenses and Remuneration of the Arbitrator (to be settled in case of Difference by the Board of Trade) shall be paid by the Company.

Restrictions as to Works affecting Seashore.

For Works on Seashore, Consent of Proprietors of Shore and Conservancy or other Authorities requisite.

32. The Company shall not place any Work under, in, upon, over, along, or across any Estuary or Branch of the Sea, or the Shore or Bed of any tidal Water, except with the Consent of all Persons and Bodies having any Right of Property, or other Right, Power, Jurisdiction, or Authority in, over, or relating to the same, which may be affected or be liable to be affected by the Exercise of the Powers of the Company (which Consent, where Her Majesty in right of Her Crown is interested, may be given on behalf of Her Majesty by the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, in Writing signed by them or him).

33. Before

Plan of such Works to be subject to Approval of Board of Trade.

33. Before commencing the Construction of any such Work as last aforesaid, or of any Buoy or Sea Mark connected therewith, except in cases of Emergency for Repairs to any Work already constructed or laid, and then as speedily after the Commencement of such Work as may be, the Company shall deposit at the Office of the Board of Trade a Plan thereof, for the Approval of the Board of Trade. The Work shall not be constructed otherwise than in accordance with such Approval. If any Work is constructed contrary to this Provision, the Board of Trade may, at the Expense of the Company, abate and remove it, or any Part of it, and restore the Site thereof to its former Condition.

Power of Board of Trade as to such Works if disused, &c.

34. If any such Work, Buoy, or Sea Mark is abandoned, or suffered to fall into Decay, the Board of Trade may, if and as they think fit, at the Expense of the Company, either repair and restore it or any Part of it, or abate and remove it or any Part of it, and restore the Site thereof to its former Condition.

Local Survey of such Works by Board of Trade.

35. The Board of Trade may at any Time, at the Expense of the Company, cause to be made a Survey and Examination of any such Work, Buoy, or Sea Mark, or of the Site thereof.

Recovery of Expenses by Board of Trade in such Cases.

36. Whenever the Board of Trade, under the Authority of this Act, does, in relation to any such Work, any Act or Thing which they are by this Act authorized to do at the Expense of the Company, the Amount of such Expense shall be a Debt due to the Crown from the Company, and shall be recoverable as such, with Costs, or the same may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

General Obligations and Liabilities of Company and their Servants.

Telegraph to be open for all Messages without Preference; subject to Leases.

37. Every Telegraph of the Company shall be open for the Messages of all Persons alike, without Favour or Preference; but this Provision shall not prejudicially affect the Operation of any Lease authorized by this Act.

Company to be responsible for all Damages.

38. The Company shall be answerable for all Accidents and Injuries happening through the Act or Default of the Company or of any Person in their Employment by reason or in consequence of any of the Company's Works, and shall save harmless all Bodies having the Controul of Streets or public Roads, collectively and individually, and their Officers and Servants, from all Damages and Costs in respect of such Accidents and Injuries.

Sale, &c. of Undertaking and Leases of

39. The Company shall not sell, transfer, or lease their Undertaking or Works, or any Part thereof, to any other Company or to any Body or Person, except with the Consent of the Board of

Wires (with Exceptions) prohibited, except with Consent of Board of Trade.

Trade previously obtained for such Sale, Transfer, or Lease; but this Provision shall not, as far as it relates to Leases, apply to the Universal Private Telegraph Company, constituted by the Special Act of 1861 in the Schedule to this Act mentioned, and shall not restrict the granting of any Lease by any Company in pursuance of any Agreement in that Behalf made before the Twelfth Day of February One thousand eight hundred and sixty-three.

Punishment Officers of of Company for Misconduct respecting Messages.

40. If any Person in the Employment of the Company—

Wilfully or negligently omits or delays to transmit or deliver any Message;

Or by any wilful or negligent Act or Omission prevents or delays the Transmission or Delivery of any Message;

Or improperly divulges to any Person the Purport of any Message,—

He shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds.

Saving for Effect of future General Acts.

41. Nothing in this Act, and nothing in any future Special Act, except so far as express Provision to the contrary hereof may be thereby made, shall relieve the Company from being subject to any Restrictions, Regulations, or Provisions which may hereafter be made by Act of Parliament respecting Telegraphs or Telegraph Companies or their Charges.

Saving as to Restrictions on and Duties of existing Companies.

Certain Enactments in Special Acts not affected by this Act.

42. Nothing in this Act shall affect any of the Enactments specified in the Schedule to this Act.

Powers of Her Majesty's Government over Company.

Messages on Her Majesty's Service to have Priority.

43. If One of Her Majesty's Principal Secretaries of State, or the Board of Trade, or other Department of Her Majesty's Government, requires the Company to transmit any Message on Her Majesty's Service, such Message shall (notwithstanding anything herein-before contained) have Priority over all other Messages; and the Company shall as soon as reasonably may be transmit the same, and shall, until Transmission thereof, suspend the Transmission of all other Messages.

On Request of Board of Trade Company to place Telegraph.

44. On the Request of the Board of Trade, the Company shall from Time to Time place and shall maintain such a Telegraph as the Board of Trade appoints, to be for the exclusive Use of Her Majesty, and to be applied to such Purposes, whether for the immediate Service of Her Majesty, or otherwise, as Her Majesty thinks fit.

45. If

On Refusal or Neglect of Company, Power to Board of Trade to place such Telegraph.

45. If the Company refuses or neglects to place a Telegraph in accordance with such Request, the Board of Trade may cause such a Telegraph to be placed in connection with any of the Company's Works, by such Persons and in such Manner as the Board of Trade thinks fit, and for that Purpose shall have and may exercise all the Powers under this Act or otherwise vested in the Company; subject, nevertheless, to the Restrictions and Provisions under this Act or otherwise applicable to the Company, and without Prejudice to the Exercise by the Company of the Powers under this Act or otherwise vested in them.

Remuneration of Company for placing such Telegraph.

46. Where the Company places a Telegraph, in pursuance of such Request of the Board of Trade, the Commissioners of Her Majesty's Treasury shall pay to the Company, as Remuneration for the same, out of Money to be provided by Parliament for the Purpose, such Sum, annual or in gross, or both, as may be settled between the Board of Trade and the Company by Agreement, or, in case of Difference, by Arbitration, such Arbitration to be conducted as follows:—

(1.) The Board of Trade and the Company shall each, within Fourteen Days after the Delivery by one to the other of a Demand in Writing for an Arbitration, nominate an Arbitrator:

(2.) If either Party makes default in so nominating an Arbitrator, the Arbitrator nominated by the other Party shall nominate a Second Arbitrator:

(3.) The Two Arbitrators nominated shall, before entering on the Arbitration, nominate an Umpire:

(4.) If either Arbitrator makes default in nominating an Umpire within Fourteen Days after receiving from the other a Demand in Writing for such Nomination, the Lord Chief Justice of Her Majesty's Court of Common Pleas at Westminster may, on the Request of the Board of Trade, or of the Company, by Writing under his Hand, nominate an Umpire:

(5.) The Arbitrators shall make their Award within Twenty-eight Days after their Nomination, otherwise the Matter shall be left to be determined by the Umpire:

(6.) The Umpire shall make his Award within Twenty-eight Days after Notice from the Arbitrators or One of them that the Matter is left to be determined by him; or, on default, a new Umpire shall be appointed as nearly as may be in manner aforesaid, who shall make his Award within the like Time, or on default be superseded; and so toties quoties.

The Award of the Arbitrators or Umpire shall be final and conclusive as between the Board of Trade and the Company.

 47. Where,

In Emergencies Telegraphs may be taken possession of for Her Majesty's Service.

47. Where, in the Opinion of One of Her Majesty's Principal Secretaries of State, an Emergency has arisen in which it is expedient for the Public Service that Her Majesty's Government should have Controul over the Transmission of Messages by the Company's Telegraphs, the Secretary of State, by Warrant under his Hand, may direct and cause the Company's Works, or any Part thereof, to be taken possession of in the Name and on behalf of Her Majesty, and to be used for Her Majesty's Service, and, subject thereto, for such ordinary Service as may seem fit; or may direct and authorize such Persons as he thinks fit to assume the Controul of the Transmission of Messages by the Company's Telegraphs, either wholly or partly, and in such Manner as he directs. Any such Warrant shall not have effect for a longer Time than One Week from the issuing thereof; but the Secretary of State may issue successive Warrants from Week to Week as long as, in his Opinion, such Emergency continues. The Commissioners of Her Majesty's Treasury shall pay to the Company, as Compensation for any Loss of Profit sustained by the Company by reason of the Exercise by the Secretary of State of any of the Powers of the present Section, out of Money to be provided by Parliament for the Purpose, such Sum as may be settled between the Secretary of State and the Company by Agreement, or, in case of Difference, by Arbitration,—such Arbitration to be conducted in mannerprovided in the last foregoing Section, the Secretary of State being only substituted for the Board of Trade.

Power to proceed against Company given to Law Officers of Crown on Certificate of Board of Trade.

48. Where it appears to the Board of Trade that any Provision of this Act has not been complied with on the Part of the Company, and that it would be for the public Advantage that Compliance therewith should be enforced, the Board of Trade may certify accordingly to Her Majesty's Attorney General for England or for Ireland, or to the Lord Advocate for Scotland, as the Case may require; and thereupon the Attorney General or Lord Advocate may, by such Civil or Criminal Proceeding as the Case may require, enforce Compliance with such Provision, by the Recovery of Penalties, or otherwise according to Law. But no such Certificate shall be made by the Board of Trade until Twenty-one Days after they have given Notice to the Company of their Intention to make the same. This Provision shall be deemed to be cumulative, and to be without Prejudice to any other Remedy or Process against the Company on the Part of Her Majesty or of any Person or Body.

SCHE-

SCHEDULE.

Enactments in Special Acts of existing Companies which are not to be affected by this Act.

Session and Chapter of Act.	Short Title of Act.	Enactments to which Saving extends.
16 & 17 Vict. c. clix. -	The British Electric Telegraph Company's Act, 1853.	Section Forty-three (relating to Works affecting the Thames).
16 & 17 Vict. c. cciii.	The Electric Telegraph Company's Act, 1853.	Section Fifty-six (relating to Works affecting the Thames).
24 & 25 Vict. c. lxi. -	The Universal Private Telegraph Company's Act, 1861.	Section Twenty-seven (relating to Works affecting the Mersey Dock Estate).
24 & 25 Vict. c. xcii. -	Bonelli's Electric Telegraph Act, 1861.	Sections Twenty-five, Twenty-six, Twenty-seven (relating to Works affecting the Thames), and Thirty-eight and Thirty-nine (relating to Works affecting the Mersey, and to the Mersey and Irwell Navigation).
25 & 26 Vict. c. cxxxi.	United Kingdom Electric Telegraph Act, 1862.	Sections Fifty-three, Fifty-four, Fifty-five (relating to Works affecting the Thames), Fifty-seven, Fifty-eight (relating to Works affecting the Mersey, and to the Mersey and Irwell Navigation), Seventy-four (relating to a Sale, Transfer, or Lease), and Seventy-six (relating to Works in Scotland).

Telegraphs.

A

BILL

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, AND ON SECOND RE-COMMITMENT]

To regulate the Exercise of Powers under Special Acts for the Construction and Maintenance of Telegraphs.

(*Prepared and brought in by Mr. Milner Gibson and Mr. Hutt.*)

Ordered, by The House of Commons, *to be Printed*, 26 *March* 1863.

[Bill 75.]

Under 3 oz.

A

BILL

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, ON SECOND RE-COMMITMENT, AND ON CONSIDERATION OF BILL AS AMENDED]

TO

Regulate the Exercise of Powers under Special Acts for the Construction and Maintenance of Telegraphs.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited as The Telegraph Act, 1863. Short Title.

2. This Act shall apply— Application of Act to all future Telegraph Companies, and also to all existing Telegraph Companies, but not so as to affect an existing Company in respect of past Exercise of Powers.

(1.) To every Company to be hereafter authorized by Special Act of Parliament to construct and maintain Telegraphs:

(2.) To every Company already so authorized by any such Special Act, notwithstanding anything in any such Special Act contained,—but so that, except as herein-after expressly provided, nothing in this Act shall give to any Owner, Lessee, or Occupier of Land, or other Person, or to any Body, as against any such Company as last aforesaid, in respect of anything already lawfully done by such Company under any such Special Act, any further or other Right, Power, Jurisdiction, Authority, or Remedy than he or they would have had if this Act had not been passed;

and also that nothing in this Act shall interfere with the Maintenance or Repair, under any such Special Act, of any Work already lawfully constructed by any such Company under any such Special Act, or with the increasing of the Number of the Wires forming Part of any such Work, or shall relieve any such Company from any Obligation or Liability under any Agreement already made.

Interpretation.

3. In this Act—

The Term "the Company" means any Company to be hereafter authorized as aforesaid (herein-after distinguished by the Term "future Company"), or any Company already so authorized (herein-after distinguished by the Term "existing Company"):

The Term "Telegraph" means a Wire or Wires used for the Purpose of Telegraphic Communication, with any Casing, Coating, Tube, or Pipe inclosing the same, and any Apparatus connected therewith for the Purpose of Telegraphic Communication:

The Term "Post" means a Post, Pole, Standard, Stay, Strut, or other aboveground Contrivance for carrying, suspending, or supporting a Telegraph:

The Term "Work" includes Telegraphs and Posts:

The Term "Street" means a public Way or Street, Square, Alley, or Court, whether a Thoroughfare or not, situate within a City, Town, or Village, or between Lands continuously built upon, and being repairable at the public Expense, or a public Highway for Carriages, within or passing through a City, Town, or Village, or passing between Lands continuously built upon, and being repairable at the public Expense, including the Footpaths of such Way, Street, Square, Alley, Court or Highway, and any Bridge forming Part thereof:

The Term "public Road" means a public Highway for Carriages being repairable at the public Expense, and not being a Street, including the Footpaths of such public Highway, and any Bridge forming Part thereof, and also any Land by the Side and forming Part of such a public Highway, but not including a Railway or Canal:

The Term "Railway" includes any Station, Work, or Building connected with a Railway:

The Term "Canal" includes Navigation or navigable River, and any Dock, Basin, Towing-path, Wharf, Work, or Building connected with a Canal:

The Term "Land" means Land not being a Street or public Road, and not being Land by the Side and forming Part of a public Road, and includes Land laid out for and proposed by the Owner to be converted into a Street or public Road:

The Term "Body" includes a Body of Trustees or Commissioners, Municipal Corporation, Board, Vestry, Company, or Society, whether

whether incorporated or not; and any Provision referring to a Body applies to a Person, as the Case may require:

The Term "Person" includes Corporation Aggregate or Sole:

The Term "the Board of Trade" means the Lords of the Committee of Her Majesty's Privy Council for the Time being appointed for the Consideration of Matters relating to Trade and Foreign Plantations:

The Term "Justice" means Justice of the Peace acting for the Place where the Matter requiring the Cognizance of any such Justice arises, and not being interested in the Matter:

The Term "Two Justices" means Two or more Justices met and acting together, or any One Police Magistrate or Justice having by Law Authority to act alone for any Purpose with the Powers of Two Justices:

The Term "Sheriff" means the Sheriff Depute of the County or Ward of a County in Scotland, and the Steward Depute of the Stewartry in Scotland, in which the Matter submitted to the Cognizance of the Sheriff arises, and includes the Substitutes of such Sheriff Depute and Steward Depute respectively.

Recovery of Damages, Costs, Expenses, and Penalties.

4. The Provisions of The Railways Clauses Consolidation Act, 1845, with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices, and the Provisions of The Railways Clauses Consolidation (Scotland) Act, 1845, with respect to the Recovery of Damages not specially provided for, and to the Determination of any other Matter referred to the Sheriff, or to Justices, shall, so far as the same are applicable, and save so far as the same are inconsistent with any express Provision of this Act, be incorporated with this Act; and Terms used in those Provisions shall be interpreted as the same Terms are directed to be interpreted in this Act.

Provisions as to Notices and Consents.

5. The following Provisions shall apply to Notices and Consents under this Act:—

(1.) Every Notice or Consent shall be in Writing or Print, or partly in Writing and partly in Print:

(2.) Any Notice to or by a Body having the Controul of a Street or public Road, or of the Sewerage or Drainage thereunder, may be given to or by the Secretary, Clerk, or Surveyor, or other like Officer (if any) of such Body:

(3.) Any Consent may be given on such Terms or Conditions (being in themselves lawful), or subject to such Stipulations as to the Time or Mode of Execution of any Work, or as to the Removal or Alteration, in any event, of any Work, or as to any other thing connected with or relative to any Work, as the Person or Body giving Consent thinks fit.

General Powers of Company.

General Description of Works which a Telegraph Company may execute, subject to the Restrictions of this Act.

6. Subject to the Restrictions and Provisions herein-after contained, the Company may execute Works as follows:—

(1.) They may place and maintain a Telegraph under any Street or public Road, and may alter or remove the same:

(2.) They may place and maintain a Telegraph over, along, or across any Street or public Road, and place and maintain Posts in or upon any Street or public Road, and may alter or remove the same:

(3.) They may, for the Purposes aforesaid, open or break up any Street or public Road, and alter the Position thereunder of any Pipe (not being a Main) for the Supply of Water or Gas:

(4.) They may place and maintain a Telegraph and Posts under, in, upon, over, along, or across any Land or Building, or any Railway or Canal, or any Estuary or Branch of the Sea, or the Shore or Bed of any Tidal Water, and may alter or remove the same.

CLAUSE C.

Provision as to Compensation.

7. In the Exercise of the Powers given by the last foregoing Section the Company shall do as little Damage as may be, and shall make full Compensation to all Bodies and Persons interested for all Damage sustained by them by reason or in consequence of the Exercise of such Powers, the Amount and Application of such Compensation to be determined in manner provided by The Lands Clauses Consolidation Act, 1845, and The Lands Clauses Consolidation (Scotland) Act, 1845, respectively, and any Act amending those Acts, for the Determination of the Amount and Application of Compensation for Lands taken or injuriously affected.

CLAUSE D.

Provision as to Gas and Water Pipes.

8. In the Exercise of the aforesaid Powers, the Company shall also be subject to the following Restrictions:

(1.) They shall cause as little Detriment or Inconvenience as Circumstances admit to the Body or Person to or by whom any Pipe for the Supply of Water or Gas belongs or is used:

(2.) Before they alter the Position of any such Pipe they shall give to the Body to whom the same belongs Notice of their Intention to do so, specifying the Time at which they will begin to do so, such Notice to be given Twenty-four Hours at least before the Commencement of the Work for effecting such Alteration:

(3.) The Company shall not execute such Work except under the Superintendence of the Body to whom such Pipe belongs, unless such Body refuses or neglects to give such Superintendence at the Time specified in the Notice for the Commencement

mencement of the Work, or discontinues the same during the Work; and the Company shall execute such Work to the reasonable Satisfaction of such Body:

(4.) The Company shall pay all reasonable Expenses to which such Body may be put on account of such Superintendence:

And the Body to whom any such Pipe belongs may, when and as Occasion requires, alter the Position of any Work of the Company already constructed, or to be hereafter constructed, under, in, or upon a Street or public Road, on the same Conditions as are by the last foregoing and present Sections imposed on the Company in relation to such a Body, mutatis mutandis.

Restrictions as to Telegraphs under Streets and public Roads.

For underground Works in Metropolis and large Towns Consent of Street Authority requisite.

9. The Company shall not place a Telegraph under any Street within the Limits of the District over which the Authority of the Metropolitan Board of Works extends, or of any City or Municipal Borough or Town Corporate, or of any Town having a Population of Thirty thousand Inhabitants or upwards (according to the latest Census), except with the Consent of the Bodies having the Controul of the Streets within such respective Limits.

Depth, Course, &c. of underground Works to be agreed on between Street or Road Authority and Company, or else to be determined by Justices or Sheriff.

10. Where the Company intends to place a Telegraph under a Street or public Road, the Depth, Course, and Position at and in which the same is to be placed shall be settled between the Company and the following Bodies:

The Body having the Controul of the Street or public Road:

The Body having the Controul of the Sewerage or Drainage thereunder:

But if such Settlement is not come to with any such Body, the following Provisions shall take effect:—

(1.) The Company may give to such Body a Notice specifying the Depth, Course, and Position which the Company desires:

(2.) If the Body to whom such Notice is given does not, within Twenty-eight Days after the giving of such Notice, give to the Company a Counter-Notice objecting to the Proposal of the Company, and specifying the Depth, Course, and Position which such Body desires, they shall be deemed to have agreed to the Proposal of the Company:

(3.) In the event of ultimate Difference between the Company and such Body, the Depth, Course, and Position shall be determined in England or Ireland by Two Justices, and in Scotland by Two Justices or by the Sheriff.

Underground Tubes to have distinguishing Mark.

11. Every underground Tube or Pipe of the Company shall be so marked as to distinguish it from Tubes or Pipes of every other Company.

Restrictions as to aboveground Works affecting Streets and public Roads.

For Works over or on Street or public Road, Consent of Street or Road Authority requisite.

12. The Company shall not place a Telegraph over, along, or across a Street or public Road, or a Post in or upon a Street or public Road, except with the Consent of the Body having the Controul of such Street or public Road;—subject to this Proviso, that where the Company is desirous of placing a Telegraph over a public Road, either along the same for a less Distance in the whole than One hundred Yards, or across the same, and the Body having the Controul of such public Road does not consent to the Company so doing, then, on the Application of the Company to the Board of Trade for leave to do so, and on Notice to such Body, the Board of Trade may make Inquiry and Examination, and hear and determine the Matter of the Difference between the Company and such Body, and may either disallow the Application of the Company, or may authorize the Company, notwithstanding the Want of the Consent of such Body, to proceed with their proposed Works, with or without Modification, and subject or not to any Terms or Conditions, as the Board of Trade thinks fit; and the Determination of the Board of Trade shall be binding on the Company and on such Body; and the Board of Trade may allow to such Body such Costs as seem just, to be paid by the Company.

Removal of Works affecting Streets and public Roads.

In case of Abandonment of Works, &c., Street or Road Authority may remove them.

13. In the following Cases—

(1.) If any Part of the Company's Works affecting a Street or public Road is abandoned, or suffered to fall into Decay;

(2.) If the Company is dissolved, or ceases for Six Months to carry on Business,

the Body having the Controul of the Street or public Road affected (in the former Case) by such Part of the Company's Works as aforesaid, or (in the latter Case) by any of the Company's Works, may give Notice to the Company, or leave a Notice at the last known Office or Place of Business of the Company, to the Effect that if such Works (being Works affecting a Street or public Road) as are specified in the Notice are not removed within One Month after the Notice given or left, the same will be removed by the Body having such Controul; and in every such Case, unless such Works are removed accordingly, the Body having such Controul may, without Prejudice to any Remedy against the Company, remove such Works, or any Part thereof, and sell the Materials thereof or of any Part thereof, and, out of the Proceeds of such Sale, reimburse themselves their Expenses relative to such Notice, Removal, and Sale, and consequent thereon (rendering the Overplus,

Overplus, if any, to the Company), and may recover any unpaid Residue of such Expenses from the Company. The present Section shall apply to an existing Company, in respect of any Work already constructed or to be hereafter constructed, as well as to a future Company.

CLAUSE A.

In event of Alteration of Street or Road, Company to remove and replace their Works under or over the same.

14. In case the Body having the Controul of any Street or Public Road shall at any Time hereafter resolve to alter the Line or Level of any Portion of such Street or Road under, over, along, or across which any Work of the Company may be placed, the Company shall from Time to Time be bound, on receiving One Month's Notice of such intended Alteration, and at their own Expense, to remove such Work, and to replace the same in such Position and Manner in all respects as shall be required by such Body, or, in the event of Difference between such Body and the Company, in such Position and Manner in all respects as shall be determined by the Sheriff.

CLAUSE E.

Removal of dangerous Posts placed before passing of this Act.

15. Where the Company has, before the passing of this Act, placed Posts in or upon a public Road, and the Body having the Controul of the Road considers the Position of any such Post to be dangerous to the Public, the following Provisions shall take effect:

(1.) Such Body may give to the Company a Notice requiring them to remove or alter the Position of such Posts, and specifying the Grounds of such Requisition:

(2.) The Company either shall, within Fourteen Days after Receipt of such Notice, remove or alter the Position of the Post in accordance with the Notice; or else, if they do not intend to remove or alter the Position of the Post in accordance with the Notice, shall, within One Week after Receipt of the Notice, deliver to such Body a Counter-Notice, specifying their Objection to such Removal or Alteration:

(3.) Such Body may send Copies of the Notice and Counter-Notice to the Board of Trade:

(4.) As soon as may be after Receipt of such Copies, the Board of Trade shall (unless the Difference between the Body giving the Notice and the Company is arranged) make Inquiry and Examination, and hear and determine the Matter of the Notice and Counter-Notice:

(5.) On hearing any such Matter, the Board of Trade may direct that the Company shall comply with the Notice, wholly or in part, or subject to any such Modifications as the Board of Trade prescribes, or on Condition that the Body giving the Notice shall afford to the Company all reasonable and proper Facilities in their Power for substituting some other Work for that to which the Notice relates, or on any such

other Condition as to the Board of Trade seems, according to the Circumstances of the Case, just and expedient, including, if it seems expedient, the Condition of the Payment by the Body giving the Notice of any Expense incurred by the Company in or about such Removal or Alteration, the Amount thereof to be determined in case of Difference by the Board of Trade.

Restrictions as to the Opening of Streets and Public Roads.

Streets and public Roads to be opened only after Notice and under Superintendence.

16. Subject to any special Stipulations made with a Company by the Body having the Controul of a Street or public Road, and to any Determinations, Orders, or Directions of the Board of Trade, Justices, or Sheriff as aforesaid, where the Company proceeds to open or break up a Street or public Road, the following Provisions shall take effect:—

(1.) The Company shall give to the Bodies between whom respectively and the Company the Depth, Course, and Position of a Telegraph under such Street or public Road are herein-before required to be settled or determined, Notice of their Intention to open or break up such Street or public Road, specifying the Time at which they will begin to do so, —such Notice to be given, in the Case of an underground Work, Ten Days, and in the Case of an aboveground Work Five Days, at least, before the Commencement of the Work; except in case of Emergency, in which Case Notice of the Work proposed shall be given as soon as may be after the Commencement thereof:

(2.) The Company shall not (save in case of Emergency) open or break up any Street or public Road, except under the Superintendence of the Bodies to whom respectively Notice is by the present Section required to be given, unless such Bodies respectively refuse or neglect to give such Superintendence at the Time specified in the Notice for the Commencement of the Work, or discontinue the same during the Work:

(3.) The Company shall pay all reasonable Expenses to which such Bodies respectively may be put on account of such Superintendence.

Streets and public Roads to be restored and kept in repair for Six Months; Penalty.

17. Subject to any such special Stipulations as aforesaid, after the Company has opened or broken up a Street or public Road they shall be under the following further Obligations:—

(1.) They shall, with all convenient Speed, complete the Work on account of which they opened or broke up the same, and fill in the Ground, and make good the Surface, and generally restore the Street or public Road to as good a Condition

dition as that in which it was before being opened or broken up, and carry away all Rubbish occasioned thereby:

(2.) They shall in the meantime cause the Place where the Street or public Road is opened or broken up to be fenced and watched, and to be properly lighted at Night:

(3.) They shall pay all reasonable Expenses of keeping the Street or public Road in good Repair for Six Months after the same is restored, so far as such Expenses may be increased by such opening or breaking up:

If the Company fails to comply in any respect with the Provisions of the present Section, they shall for every such Offence (without Prejudice to the Right of any Person to enforce specific Performance of the Requirements of this Act, or to any other Remedy against them), be liable to a Penalty not exceeding Twenty Pounds; and any such Penalty shall (notwithstanding anything herein-before, or in any Act relating to Municipal Corporations, or to the Metropolitan Police Force, or in any other Act, contained) go and belong to the Body having the Controul of the Street or public Road, and shall form Part of the Funds applicable by them to the Maintenance of the Street or public Road.

CLAUSE B.

Power to Street Authorities to execute Works and charge the Expenses to the Company.

18. That whenever the permanent Surface or Soil of any Street shall be broken up or opened by the Company, it shall be lawful for the Body having the Controul of the Street, in case they think it expedient so to do, to fill in the Ground, and to make good the Pavement or Surface or Soil so broken up or opened, and to carry away the Rubbish occasioned thereby, instead of permitting such Work to be done by the Company; and the Costs and Expenses of filling in such Ground, and of making good the Pavement or Soil so broken up or opened, shall be repaid on Demand to the Body having the Controul of the Street by the Company, and in default thereof shall be recovered by the Body having the Controul of the Street from the Company in the Manner herein-before mentioned.

Restrictions on Impediments to Traffic.

19. The Company shall not stop or impede Traffic in any Street or public Road further than is necessary for the proper Execution of their Works. They shall not close against Traffic more than One Third in Width of any Street or public Road at One Time; and in case Two Thirds thereof are not wide enough to allow Two Carriages to pass each other, they shall not occupy with their Works at One Time more than Fifty Yards in Length of the One Third thereof, except with the special Consent of the Body having the Controul of the Street or public Road.

Restrictions as to Works affecting private or Crown Property.

Crown Property.

20. The Company shall not place any Work under, in, upon, over, along, or across any Land or Building belonging to or enjoyed by

the Queen's most Excellent Majesty in right of Her Crown, without the previous Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, which Consent such Commissioners, or One of them, may give.

For Works under or over Land Consent of Owner, &c. requisite.

21. The Company shall not place any Work under, in, or upon any Land or Building, except with the Consent of the Owner, Lessee, and Occupier thereof; and, save as herein-after expressly provided, the Company shall not place any Work over, along, or across any Land or Building, except with the Consent of the Owner, Lessee, and Occupier thereof.

Power to Owner, Lessee, or Occupier of House in Street to object to Telegraph less than Six Feet above Roof.

22. Where the Body having the Controul of a Street consents to the placing of Works in, upon, over, along, or across the Street, that Consent shall, unless it is otherwise provided by the Terms of such Consent, be sufficient Authority for the Company to place and maintain a Telegraph over, along, or across any Building adjoining to or near the Street, and within the Limits to which the Authority of such Body extends, or any Land, not being laid out as Building Land, adjoining to or near the Street, and within the same Limits, subject to the following Restrictions:—

(1.) Where the Company, by virtue of the Powers of the present Section, places a Telegraph directly over any Dwelling House adjoining to or near the Street, they shall not place the same at a less Height above the Roof thereof than Six Feet, if the Owner, Lessee, or Occupier of the Dwelling House objects to their placing the same at a less Height:

(2.) If at any Time the Owner, Lessee, or Occupier of any Building, or Land adjoining to a Building, directly over which Building or Land the Company places a Telegraph by virtue of the Powers of the present Section, desires to raise such Building to a greater Height, or to extend the same over such Land, and in case of Difference with the Company satisfies a Justice that he intends so to raise or extend the same, the Company shall increase the Height or otherwise alter the Position of such Telegraph, so that the same may not interfere with the raising or Extension of such Building, within Fourteen Days after receiving from such Owner, Lessee, or Occupier a Notice of his Intention to raise or extend such Building, and a Certificate signed by such Justice, certifying that he is satisfied of the Intention of the Owner, Lessee, or Occupier, to raise or extend the same.

For Telegraphs above Ground, and

23. Subject and without Prejudice to the foregoing Provisions, the Company shall not place a Telegraph above Ground, or a Post, within

within Ten Yards of a Dwelling House (whether adjoining to or near a Street or not), or place a Telegraph above Ground across an Avenue or Approach to such a Dwelling House, except subject and according to the following Restrictions and Provisions :—

Posts, within certain Distance of Dwelling Houses, Consent of Occupier, &c. requisite.

(1.) They shall in each such Case obtain the Consent of the Occupier (if any) of such Dwelling House, and if there is no Occupier, then of the immediate Lessee, and if there is none, then of the Owner:

(2.) The Consent of an Occupier shall be effective only during the Continuance of his Occupation:

(3.) On the Termination of the Occupation of any Occupier, the Lessee or Owner entitled to Possession, if he did not consent to the placing of the Telegraph or Post, may give Notice to the Company that he requires it to be removed:

(4.) The Company shall remove the same accordingly within One Month after receiving such Notice:

(5.) If any Question arises between a Lessee or Owner and the Company as to such Removal, or the Time or Mode thereof, the same shall be referred to the Determination in England or Ireland of Two Justices, and in Scotland of Two Justices or the Sheriff, which Justices or Sheriff may give such Directions as to such Removal, and the Time and Mode thereof, as may seem reasonable, and may impose on the Company for not carrying such Directions into effect such Penalty not exceeding Five Pounds a Day as may seem just.

Notices to be published, and left at Dwelling Houses, of intended Telegraph along public Road, after Consent of Road Authority obtained.

24. Before the Company proceeds to place a Telegraph over, along, or across a public Road, or to place Posts in or upon a public Road, they shall publish a Notice stating that they have obtained the Consent in that Behalf of the Body having the Control of the public Road, and describing the intended Course of the Telegraph,—

(1.) By affixing such Notice on some conspicuous Places by the Side of the Part of the Road affected, at Distances of not more than One Mile apart:

(2.) By leaving such Notice at every Dwelling House fronting on the Part of the Road affected, and being within Fifty Feet thereof:

(3.) By inserting such Notice as an Advertisement once at least in each of Two successive Weeks in some One and the same local Newspaper circulating in the Neighbourhood of the Part of the Road affected:

And they shall not so place any such Telegraph or Post until the Expiration of Twenty-one Days from the last Publication of such Advertisement.

Owner or Occupier of adjoining Land or House may object.

25. At any Time during such Twenty-one Days the Owner, Lessee, or Occupier of any Land or Building adjoining to either Side of such Road may give to the Company Notice of his Objection to their intended Works as injuriously affecting such Land or Building, and send to the Board of Trade a Copy of his Notice of Objection.

Works to be stayed.

26. Until such Objection is settled, or is determined in manner herein-after provided, the Company shall not execute that Part of their intended Works to which the Objection relates.

Examination and Inquiry to be made by Board of Trade.

27. As soon as may be after the Receipt of such Copy of Notice of Objection, the Board of Trade shall (unless the Difference between the Company and the Person objecting is arranged) make Inquiry and Examination, and hear and determine the Matter of the Objection.

Powers of Board of Trade respecting the Objection.

28. On hearing any such Objection the Board of Trade—

(1.) may allow the Objection, wholly or in part; or

(2.) may authorize the Company to proceed with their Works according to their published Notice, paying to the Owner, Lessee, or Occupier objecting full Compensation (the Amount thereof to be determined, in case of Difference, by the Board of Trade) for any Damage done to him; or

(3.) may authorize the Company to so proceed subject to any such Conditions as to the Time or Mode of Execution of any Work, or as to the Removal or Alteration in any event of any Work, or as to any other Thing connected with or relative to any Work, as the Board of Trade thinks fit; or

(4.) may authorize the Company to so proceed subject to any such Modification of any intended Work as the Board of Trade prescribes; but so that in that Case such Notice and Opportunity of objecting and being heard as the Board of Trade directs shall be given to any Owner, Lessee, or Occupier whom such Modification may affect.

Decision of Board of Trade final.

29. The Determination of the Board of Trade on the Matter of any such Objection shall be final and conclusive.

Costs.

30. The Board of Trade may allow to any Owner, Lessee, or Occupier so objecting such Costs as seem just, to be paid by the Company.

Removal or Alteration of Works affecting Land or Buildings.

For Building or other Purposes, Owner, &c.

31. Where after the passing of this Act the Company constructs any Work under, in, upon, over, along, or across any Land or Building, or any Street or public Road adjoining to or near any Land or Building,

ing, and any Owner, Lessee, or Occupier of such Land or Building, or any Lord of a Manor, or other Person having any Interest in such Land or Building, desires to build upon or inclose such Land, or in any Manner to improve or alter such Land or Building, or to use such Land or Building in some Manner in which it was not actually used at the Time of the Construction of such Work by the Company, and with which the Continuance of such Work would materially interfere, then and in every such Case the following Provisions shall take effect:

may require Removal of Works though not originally objected to, but subject to Reference to Board of Trade.

(1.) Such Owner, Lessee, Occupier, Lord of a Manor, or other Person interested may give to the Company a Notice requiring them to remove or alter such Work, and specifying the Grounds of such Requisition:

(2.) The Company either shall, within One Month after Receipt of such Notice, remove or alter the Work in accordance with the Notice; or else, if they do not intend to remove or alter the Work in accordance with the Notice, shall, within One Week after Receipt of the Notice, deliver to the Person giving the Notice a Counter-Notice, specifying their Objection to such Removal or Alteration:

(3.) The Person giving the Notice may send Copies of the Notice and Counter-Notice to the Board of Trade:

(4.) As soon as may be after Receipt of such Copies the Board of Trade shall (unless the Difference between the Person giving the Notice and the Company is arranged) make Inquiry and Examination, and hear and determine the Matter of the Notice and Counter-Notice:

(5.) On hearing any such Matter, the Board of Trade may direct that the Company shall comply with the Notice, wholly or in part, or subject to any such Modifications as the Board of Trade prescribes, or on Condition that the Person giving the Notice shall afford to the Company all reasonable and proper Facilities in his Power for substituting some other Work for that to which the Notice relates, or on any such other Condition as to the Board of Trade seems, according to the Circumstances of the Case, just and expedient:

(6.) Nothing herein shall empower any Person to obtain the Removal or Alteration of any Work, the Construction whereof was consented to by him, or by any Person through whom he takes his Estate or Interest, for full and valuable Consideration passing from the Company to him or the Person through whom he takes.

The present Section shall apply to any Work already constructed under any Special Act, with and subject to this additional Provision, —that the Person obtaining the Removal or Alteration of any such

Work shall pay to the Company Compensation for any Expense or Damage incurred or sustained by them by reason of such Removal or Alteration, the Amount thereof to be determined, in case of Difference, by the Board of Trade.

CLAUSE F.

Removal of Works constructed before passing of this Act.

32. With respect to any Work already constructed under any Special Act, the following Provisions shall take effect:

(1.) All the Provisions of the last foregoing Section shall apply in respect of any such Work, with and subject to this additional Provision, that the Person obtaining the Removal or Alteration of any such Works shall pay to the Company Compensation for any Expense or Damage incurred or sustained by them by reason of such Removal or Alteration, the Amount thereof to be determined in case of Difference by the Board of Trade:

(2.) Where any such Work has been constructed under, in, upon, over, along, or across a Street or public Road, and the Owner, Lessee, or Occupier of any Land or Building adjoining to or near the Street or public Road considers such Land or Building to be injuriously affected by such Work, then all the Provisions of the last foregoing Section shall apply in respect of such Work, with and subject to this additional Provision, that such Owner, Lessee, or Occupier shall be entitled to obtain a Direction from the Board of Trade for the Removal or Alteration of such Work in every Case where it appears to the Board of Trade that such Land or Building is injuriously affected by such Work, and that the Removal or Alteration thereof may be effected consistently with a due Regard to the efficient Working of the Company's Telegraphs, such Direction nevertheless to be given on such Terms and Conditions as to the Board of Trade seem, according to the Circumstances of the Case, just and expedient, including, if it seems expedient, the Condition of the Payment by such Owner, Lessee, or Occupier of any Expense incurred by the Company in or about such Removal or Alteration, the Amount thereof to be determined in case of Difference by the Board of Trade.

Restrictions as to Works affecting Railways and Canals.

For Works affecting Railways, Canals, &c. Consent of Directors, &c. requisite.

33. The Company shall not place any Work under, in, upon, over, along, or across any Railway or Canal, except with the Consent of the Proprietors or Lessees, or of the Directors or Persons having the Controul thereof. But this Provision shall not restrict the Company from placing any Work (subject and according to the other Provisions of this Act) under, in, upon, over, along, or across any Street

Street or public Road, although such Street or public Road may cross or be crossed by a Railway or Canal, so that such Work do not damage the Railway or Canal, or interfere with the Use, Alteration, or Improvement thereof.

Access from future Docks to Canal.

34. If at any Time after the Company has placed any Work under, in, upon, over, along, or across any Canal, any Person having Power to construct Docks, Basins, or other Works upon any Land adjoining to or near such Canal constructs any Dock, Basin, or Work on such Land, but is prevented by the Company's Work from forming a Communication for the convenient Passage of Vessels with or without Masts between such Dock, Basin, or other Work, and such Canal, or if the Business of such Dock, Basin, or other Work is interfered with by reason or in consequence of any such Work of the Company, then the Company, at the Request of such Person, and on having reasonable Facilities afforded them by him for placing a Telegraph round such Dock, Basin, or other Work, under, in, upon, over, along, or across Land belonging to or under his Control, shall remove and place their Work accordingly. If any Dispute arises between the Company and such Person as to the Facilities to be afforded to the Company, or as to the Direction in which the Telegraph is to be placed, it shall be determined by the Board of Trade.

Appointment of Arbitrator by Board of Trade.

Board of Trade may in any Case appoint Arbitrator.

35. If in any Case where any Matter is herein-before authorized or directed to be determined by the Board of Trade it appears to the Board of Trade to be expedient, for Convenience of local Investigation or for any other Reason, that the Matter should be determined by an Arbitrator, the Board of Trade may, notwithstanding anything herein-before contained, and whether the Board of Trade has entered on the Investigation or not, refer the Matter to some competent and impartial Person as Arbitrator; and with respect to the Matter so referred any such Arbitrator shall have the like Authority and Jurisdiction as the Board of Trade has under this Act, and his Determination shall have the same Effect as a Determination of the Board of Trade under this Act. The reasonable Expenses and Remuneration of the Arbitrator (to be settled in case of Difference by the Board of Trade) shall be paid by the Company.

Restrictions as to Works affecting Seashore.

For Works on Seashore, Consent of Proprietors of Shore and Conservancy or

36. The Company shall not place any Work under, in, upon, over, along, or across any Estuary or Branch of the Sea, or the Shore or Bed of any tidal Water, except with the Consent of all Persons and Bodies having any Right of Property, or other Right, Power, Jurisdiction, or Authority in, over, or relating to the same,

other Authorities requisite.

same, which may be affected or be liable to be affected by the Exercise of the Powers of the Company (which Consent, where Her Majesty in right of Her Crown is interested, may be given on behalf of Her Majesty by the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, in Writing signed by them or him).

Plan of such Works to be subject to Approval of Board of Trade.

37. Before commencing the Construction of any such Work as last aforesaid, or of any Buoy or Sea Mark connected therewith, except in cases of Emergency for Repairs to any Work already constructed or laid, and then as speedily after the Commencement of such Work as may be, the Company shall deposit at the Office of the Board of Trade a Plan thereof, for the Approval of the Board of Trade. The Work shall not be constructed otherwise than in accordance with such Approval. If any Work is constructed contrary to this Provision, the Board of Trade may, at the Expense of the Company, abate and remove it, or any Part of it, and restore the Site thereof to its former Condition.

CLAUSE G.

Lights and Signals for such Works.

38. Notwithstanding anything in The Merchant Shipping Act, 1854, or any Act amending the same, contained, the Company may, in or about the Construction, Maintenance, or Repair of any such Work, use on board Ship or elsewhere any Light or Signal allowed by any Regulation to be made in that Behalf by the Board of Trade.

Power of Board of Trade as to such Works if disused, &c.

39. If any such Work, Buoy, or Sea Mark is abandoned, or suffered to fall into Decay, the Board of Trade may, if and as they think fit, at the Expense of the Company, either repair and restore it or any Part of it, or abate and remove it or any Part of it, and restore the Site thereof to its former Condition.

Local Survey of such Works by Board of Trade.

40. The Board of Trade may at any Time, at the Expense of the Company, cause to be made a Survey and Examination of any such Work, Buoy, or Sea Mark, or of the Site thereof.

Recovery of Expenses by Board of Trade in such Cases.

41. Whenever the Board of Trade, under the Authority of this Act, does, in relation to any such Work, any Act or Thing which they are by this Act authorized to do at the Expense of the Company, the Amount of such Expense shall be a Debt due to the Crown from the Company, and shall be recoverable as such, with Costs, or the same may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

General Obligations and Liabilities of Company and their Servants.

Telegraph to be open for all Messages without Preference;

42. Every Telegraph of the Company shall be open for the Messages of all Persons alike, without Favour or Preference; but this

this Provision shall not prejudicially affect the Operation of any Lease authorized by this Act. subject to Leases.

43. The Company shall be answerable for all Accidents and Injuries happening through the Act or Default of the Company or of any Person in their Employment by reason or in consequence of any of the Company's Works, and shall save harmless all Bodies having the Controul of Streets or public Roads, collectively and individually, and their Officers and Servants, from all Damages and Costs in respect of such Accidents and Injuries. Company to be responsible for all Damages.

44. The Company shall not sell, transfer, or lease their Undertaking or Works, or any Part thereof, to any other Company or to any Body or Person, except with the Consent of the Board of Trade previously obtained for such Sale, Transfer, or Lease; but this Provision shall not, as far as it relates to Leases, apply to the Universal Private Telegraph Company, constituted by the Special Act of 1861 in the Schedule to this Act mentioned, and shall not restrict the granting of any Lease by any Company in pursuance of any Agreement in that Behalf made before the Twelfth Day of February One thousand eight hundred and sixty-three. Sale, &c. of Undertaking and Leases of Wires (with Exceptions) prohibited, except with Consent of Board of Trade.

CLAUSE H.

45. The Company, before exercising any Power for the Construction of Works or the opening or breaking up of Streets or public Roads in any One of the Three Parts of the United Kingdom, shall give to the Registrar of Joint Stock Companies acting for that Part of the United Kingdom under "The Companies Act, 1862," Notice of the Situation of some Office where Notices may be served on the Company within that Part of the United Kingdom; and the Company shall from Time to Time give to such Registrar Notice of any Change in the Situation of such Office: Every such Notice shall be recorded by the Registrar, and the Record thereof may be inspected from Time to Time by any Person: The Delivery at the Office of which Notice is so given of any Notice, Writ, Summons, or other Document addressed to the Company shall, for the Purposes of this Act and all other Purposes, be deemed good Service on the Company: The Company shall, on giving each Notice to the Registrar under the present Section, pay such Fee as is payable under the last-mentioned Act on Registration of any Document by that Act required or authorized to be registered, other than a Memorandum of Association; and every Person inspecting the Record of such Notice with the Registrar shall pay such Fee as is for the Time being payable under the last-mentioned Act for Inspection of Documents kept by the Registrar under that Act. Registered Office of Company for Service of Documents.

Punishment of Officers of Company for Misconduct respecting Messages.

46. If any Person in the Employment of the Company—

Wilfully or negligently omits or delays to transmit or deliver any Message;

Or by any wilful or negligent Act or Omission prevents or delays the Transmission or Delivery of any Message;

Or improperly divulges to any Person the Purport of any Message,—

He shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds.

Saving for Effect of future General Acts.

47. Nothing in this Act, and nothing in any future Special Act, except so far as express Provision to the contrary hereof may be thereby made, shall relieve the Company from being subject to any Restrictions, Regulations, or Provisions which may hereafter be made by Act of Parliament respecting Telegraphs or Telegraph Companies or their Charges.

Saving as to Restrictions on and Duties of existing Companies.

Certain Enactments in Special Acts not affected by this Act.

48. Nothing in this Act shall affect any of the Enactments specified in the Schedule to this Act.

Powers of Her Majesty's Government over Company.

Messages on Her Majesty's Service to have Priority.

49. If One of Her Majesty's Principal Secretaries of State, or the Board of Trade, or other Department of Her Majesty's Government, requires the Company to transmit any Message on Her Majesty's Service, such Message shall (notwithstanding anything herein-before contained) have Priority over all other Messages; and the Company shall as soon as reasonably may be transmit the same, and shall, until Transmission thereof, suspend the Transmission of all other Messages.

On Request of Board of Trade Company to place Telegraph.

50. On the Request of the Board of Trade, the Company shall from Time to Time place and shall maintain such a Telegraph as the Board of Trade appoints, to be for the exclusive Use of Her Majesty, and to be applied to such Purposes, whether for the immediate Service of Her Majesty, or otherwise, as Her Majesty thinks fit.

On Refusal or Neglect of Company, Power to Board of Trade to place such Telegraph.

51. If the Company refuses or neglects to place a Telegraph in accordance with such Request, the Board of Trade may cause such a Telegraph to be placed in connection with any of the Company's Works, by such Persons and in such Manner as the Board of Trade thinks fit, and for that Purpose shall have and may exercise all the Powers under this Act or otherwise vested in the Company; subject, nevertheless,

nevertheless, to the Restrictions and Provisions under this Act or otherwise applicable to the Company, and without Prejudice to the Exercise by the Company of the Powers under this Act or otherwise vested in them.

Remuneration of Company for placing such Telegraph.

52. Where the Company places a Telegraph, in pursuance of such Request of the Board of Trade, the Commissioners of Her Majesty's Treasury shall pay to the Company, as Remuneration for the same, out of Money to be provided by Parliament for the Purpose, such Sum, annual or in gross, or both, as may be settled between the Board of Trade and the Company by Agreement, or, in case of Difference, by Arbitration, such Arbitration to be conducted as follows:—

(1.) The Board of Trade and the Company shall each, within Fourteen Days after the Delivery by one to the other of a Demand in Writing for an Arbitration, nominate an Arbitrator:

(2.) If either Party makes default in so nominating an Arbitrator, the Arbitrator nominated by the other Party shall nominate a Second Arbitrator:

(3.) The Two Arbitrators nominated shall, before entering on the Arbitration, nominate an Umpire:

(4.) If either Arbitrator makes default in nominating an Umpire within Fourteen Days after receiving from the other a Demand in Writing for such Nomination, the Lord Chief Justice of Her Majesty's Court of Common Pleas at Westminster may, on the Request of the Board of Trade, or of the Company, by Writing under his Hand, nominate an Umpire:

(5.) The Arbitrators shall make their Award within Twenty-eight Days after their Nomination, otherwise the Matter shall be left to be determined by the Umpire:

(6.) The Umpire shall make his Award within Twenty-eight Days after Notice from the Arbitrators or One of them that the Matter is left to be determined by him; or, on default, a new Umpire shall be appointed as nearly as may be in manner aforesaid, who shall make his Award within the like Time, or on default be superseded; and so toties quoties.

The Award of the Arbitrators or Umpire shall be final and conclusive as between the Board of Trade and the Company.

In Emergencies Telegraphs may be taken possession of for Her

53. Where, in the Opinion of One of Her Majesty's Principal Secretaries of State, an Emergency has arisen in which it is expedient for the Public Service that Her Majesty's Government should have Controul over the Transmission of Messages by the Company's Telegraphs, the Secretary of State, by Warrant under his Hand, may direct

Majesty's Service.

direct and cause the Company's Works, or any Part thereof, to be taken possession of in the Name and on behalf of Her Majesty, and to be used for Her Majesty's Service, and, subject thereto, for such ordinary Service as may seem fit; or may direct and authorize such Persons as he thinks fit to assume the Controul of the Transmission of Messages by the Company's Telegraphs, either wholly or partly, and in such Manner as he directs. Any such Warrant shall not have effect for a longer Time than One Week from the issuing thereof; but the Secretary of State may issue successive Warrants from Week to Week as long as, in his Opinion, such Emergency continues. The Commissioners of Her Majesty's Treasury shall pay to the Company, as Compensation for any Loss of Profit sustained by the Company by reason of the Exercise by the Secretary of State of any of the Powers of the present Section, out of Money to be provided by Parliament for the Purpose, such Sum as may be settled between the Secretary of State and the Company by Agreement, or, in case of Difference, by Arbitration,—such Arbitration to be conducted in mannerprovided in the last foregoing Section, the Secretary of State being only substituted for the Board of Trade.

Power to proceed against Company given to Law Officers of Crown on Certificate of Board of Trade.

54. Where it appears to the Board of Trade that any Provision of this Act has not been complied with on the Part of the Company, and that it would be for the public Advantage that Compliance therewith should be enforced, the Board of Trade may certify accordingly to Her Majesty's Attorney General for England or for Ireland, or to the Lord Advocate for Scotland, as the Case may require; and thereupon the Attorney General or Lord Advocate may, by such Civil or Criminal Proceeding as the Case may require, enforce Compliance with such Provision, by the Recovery of Penalties, or otherwise according to Law. But no such Certificate shall be made by the Board of Trade until Twenty-one Days after they have given Notice to the Company of their Intention to make the same. This Provision shall be deemed to be cumulative, and to be without Prejudice to any other Remedy or Process against the Company on the Part of Her Majesty or of any Person or Body.

SCHE-

SCHEDULE.

Enactments in Special Acts of existing Companies which are not to be affected by this Act.

Session and Chapter of Act.	Short Title of Act.	Enactments to which Saving extends.
16 & 17 Vict. c. clix. -	The British Electric Telegraph Company's Act, 1853.	Section Forty-three (relating to Works affecting the Thames).
16 & 17 Vict. c. cciii.	The Electric Telegraph Company's Act, 1853.	Section Fifty-six (relating to Works affecting the Thames).
24 & 25 Vict. c. lxi. -	The Universal Private Telegraph Company's Act, 1861.	Section Twenty-seven (relating to Works affecting the Mersey Dock Estate).
24 & 25 Vict. c. xcii. -	Bonelli's Electric Telegraph Act, 1861.	Sections Twenty-five, Twenty-six, Twenty-seven (relating to Works affecting the Thames), and Thirty-eight and Thirty-nine (relating to Works affecting the Mersey, and to the Mersey and Irwell Navigation).
25 & 26 Vict. c. cxxxi.	United Kingdom Electric Telegraph Act, 1862.	Sections Fifty-three, Fifty-four, Fifty-five (relating to Works affecting the Thames), Fifty-seven, Fifty-eight (relating to Works affecting the Mersey, and to the Mersey and Irwell Navigation), Seventy-four (relating to a Sale, Transfer, or Lease), and Seventy-six (relating to Works in Scotland).

Telegraphs.

A

BILL

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, ON SECOND RE-COMMITMENT, AND ON CONSIDERATION OF BILL AS AMENDED]

To regulate the Exercise of Powers under Special Acts for the Construction and Maintenance of Telegraphs.

(Prepared and brought in by Mr. Milner Gibson and Mr. Hutt.)

Ordered, by The House of Commons, *to be Printed,* 13 *April* 1863.

[Bill 78.]

Under 3 oz.

A

B I L L

[WITH THE AMENDMENTS MADE BY THE LORDS]

INTITULED

An Act to regulate the Exercise of Powers under Special Acts for the Construction and Maintenance of Telegraphs.

[Note.—*The Words and Clauses struck through were omitted by the Lords, and the Words and Clause in "Italics" were added by the Lords.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited as The Telegraph Act, 1863. Short Title.

2. This Act shall apply— Application of Act to all future Telegraph Companies, and also, subject to certain Exceptions, to all existing Telegraph Companies.

(1.) To every Company to be hereafter authorized by Special Act of Parliament to construct and maintain Telegraphs:

(2.) To every Company ~~already~~ so authorized *before the passing of this Act* by any such Special Act, notwithstanding anything in any such Special Act contained,—but so that, except as herein-after expressly provided, nothing in this Act shall give to any Owner, Lessee, or Occupier of Land, or other Person, or to any Body, as against any such Company as

last aforesaid, in respect of anything ~~already~~ lawfully done *before the passing of this Act* by such Company under any such Special Act, any further or other Right, Power, Jurisdiction, Authority, or Remedy, than he or they would have had if this Act had not been passed: ~~and~~ *Provided* also, that nothing in this Act shall interfere with the Maintenance or Repair, under any such Special Act, of any Work ~~already~~ lawfully constructed *before the passing of this Act* by any such Company under any such Special Act, or with the increasing of the Number of the Wires forming Part of any such Work; ~~or~~ *and that nothing in this Act* shall relieve any such Company from any Obligation or Liability under any Agreement ~~already~~ made *before the passing of this Act, or shall make lawful any Work constructed by the Company before the passing of this Act which is the Subject of any Proceedings at Law or in Equity pending at the passing of this Act, or which has been constructed without such Consent as was required for the Construction thereof before the passing of this Act.*

Interpretation.

3. In this Act—

The Term "the Company" means any Company to be hereafter authorized as aforesaid (herein-after distinguished by the Term "future Company"), or any Company already so authorized (herein-after distinguished by the Term "existing Company"):

The Term "Telegraph" means a Wire or Wires used for the Purpose of Telegraphic Communication, with any Casing, Coating, Tube, or Pipe inclosing the same, and any Apparatus connected therewith for the Purpose of Telegraphic Communication:

The Term "Post" means a Post, Pole, Standard, Stay, Strut, or other aboveground Contrivance for carrying, suspending, or supporting a Telegraph:

The Term "Work" includes Telegraphs and Posts:

The Term "Street" means a public Way ~~or Street, Square, Alley, or Court, whether a Thoroughfare or not,~~ situate within a City, Town, or Village, or between Lands continuously built upon *on either Side*, and ~~being repairable~~ *repaired* at the public Expense, ~~or a public Highway for Carriages, within or passing through a City, Town, or Village, or passing between Lands continuously built upon, and being repairable at the public Expense,~~ *or at the Expense of any Turnpike or other public Trust, or ratione tenuræ*, including the Footpaths of such Way, ~~Street, Square, Alley, Court, or Highway,~~ and any Bridge forming Part thereof:

The Term "public Road" means a public Highway for Carriages being ~~repairable~~ *repaired* at the public Expense, *or at the Expense of*

of any Turnpike or other public Trust, or ratione tenuræ, and not being a Street, including the Footpaths of such public Highway, and any Bridge forming Part thereof, and also any Land by the Side and forming Part of such a public Highway, but not including a Railway or Canal:

The Term "Railway" includes any Station, Work, or Building connected with a Railway:

The Term "Canal" includes Navigation or navigable River, and any Dock, Basin, Towing-path, Wharf, Work, or Building connected with a Canal:

The Term "Land" means Land not being a Street or public Road, and not being Land by the Side and forming Part of a public Road, and includes Land laid out for and proposed by the Owner to be converted into a Street or public Road:

The Term "Body" includes a Body of Trustees or Commissioners, Municipal Corporation, *Grand Jury*, Board, Vestry, Company, or Society, whether incorporated or not; and any Provision referring to a Body applies to a Person, as the Case may require:

The Term "Person" includes Corporation Aggregate or Sole:

The Term "the Board of Trade" means the Lords of the Committee of Her Majesty's Privy Council for the Time being appointed for the Consideration of Matters relating to Trade and Foreign Plantations:

The Term "Justice" means Justice of the Peace acting for the Place where the Matter requiring the Cognizance of any such Justice arises, ~~and not being interested in the Matter~~:

The Term "Two Justices" means Two or more Justices met and acting together, or any One Police Magistrate or Justice having by Law Authority to act alone for any Purpose with the Powers of Two Justices:

The Term "Sheriff" means the Sheriff Depute of the County or Ward of a County in Scotland, and the Steward Depute of the Stewartry in Scotland, in which the Matter submitted to the Cognizance of the Sheriff arises, and includes the Substitutes of such Sheriff Depute and Steward Depute respectively.

Recovery of Damages, Costs, Expenses, and Penalties.

4. The Provisions of The Railways Clauses Consolidation Act, 1845, with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices, and the Provisions of The Railways Clauses Consolidation (Scotland) Act, 1845, with respect to the Recovery of Damages not specially provided for, and to the Determination of any other Matter referred to the Sheriff, or to Justices, shall, so far as the same are applicable, and save so far as the same are inconsistent with any express Provision of this Act, be incorporated with this

this Act; and Terms used in those Provisions shall be interpreted as the same Terms are directed to be interpreted in this Act.

Provisions as to Notices and Consents.

5. The following Provisions shall apply to Notices and Consents under this Act:

(1.) Every Notice or Consent shall be in Writing or Print, or partly in Writing and partly in Print:

(2.) Any Notice to or by *the Company or* a Body having the Control of a Street or public Road, or of the Sewerage or Drainage thereunder, may be given to or by the Secretary, Clerk, or Surveyor, or other like Officer (if any) of *the Company or of* such Body, *as the Case may be:*

(3.) Any Consent may be given on such *pecuniary or other* Terms or Conditions (being in themselves lawful), or subject to such Stipulations as to the Time or Mode of Execution of any Work, or as to the Removal or Alteration, in any event, of any Work, or as to any other thing connected with or relative to any Work, as the Person or Body giving Consent thinks fit.

General Powers of Company.

General Description of Works which a Telegraph Company may execute, subject to the Restrictions of this Act.

6. Subject to the Restrictions and Provisions herein-after contained, the Company may execute Works as follows:

(1.) They may place and maintain a Telegraph under any Street or public Road, and may alter or remove the same:

(2.) They may place and maintain a Telegraph over, along, or across any Street or public Road, and place and maintain Posts in or upon any Street or public Road, and may alter or remove the same:

(3.) They may, for the Purposes aforesaid, open or break up any Street or public Road, and alter the Position thereunder of any Pipe (not being a Main) for the Supply of Water or Gas:

(4.) They may place and maintain a Telegraph and Posts under, in, upon, over, along, or across any Land or Building, or any Railway or Canal, or any Estuary or Branch of the Sea, or the Shore or Bed of any Tidal Water, and may alter or remove the same:

Provided always, that the Company shall not be deemed to acquire any Right other than that of User only in the Soil of any Street or public Road under, in, upon, over, along, or across which they place any Work.

Provision as to Compensation.

7. In the Exercise of the Powers given by the last foregoing Section the Company shall do as little Damage as may be, and shall make full Compensation to all Bodies and Persons interested for all Damage

Damage sustained by them by reason or in consequence of the Exercise of such Powers, the Amount and Application of such Compensation to be determined in manner provided by The Lands Clauses Consolidation Act, 1845, and The Lands Clauses Consolidation (Scotland) Act, 1845, respectively, and any Act amending those Acts, for the Determination of the Amount and Application of Compensation for Lands taken or injuriously affected.

Provision as to Gas and Water Pipes.

8. In the Exercise of the aforesaid Powers, the Company shall also be subject to the following Restrictions:

(1.) They shall cause as little Detriment or Inconvenience as Circumstances admit to the Body or Person to or by whom any Pipe for the Supply of Water or Gas belongs or is used:

(2.) Before they alter the Position of any such Pipe they shall give to the Body to whom the same belongs Notice of their Intention to do so, specifying the Time at which they will begin to do so, such Notice to be given Twenty-four Hours at least before the Commencement of the Work for effecting such Alteration:

(3.) The Company shall not execute such Work except under the Superintendence of the Body to whom such Pipe belongs, unless such Body refuses or neglects to give such Superintendence at the Time specified in the Notice for the Commencement of the Work, or discontinues the same during the Work; and the Company shall execute such Work to the reasonable Satisfaction of such Body:

(4.) The Company shall pay all reasonable Expenses to which such Body may be put on account of such Superintendence:

And the Body to whom any such Pipe belongs may, when and as Occasion requires, alter the Position of any Work of the Company already constructed, or to be hereafter constructed, under, in, or upon a Street or public Road, on the same Conditions as are by the last foregoing and present Sections imposed on the Company in relation to such a Body, mutatis mutandis.

Restrictions as to ~~Telegraphs under~~ *Works affecting* Streets and public Roads.

For underground Works in Metropolis and large Towns Consent of Street or Road Authority requisite.

9. The Company shall not place a Telegraph under any Street ~~within the Limits of the District over which the Authority of the Metropolitan Board of Works extends, or of any City or Municipal Borough or Town Corporate, or of any Town having a Population of Thirty thousand Inhabitants or upwards (according to the latest Census)~~, *or public Road* except with the Consent of the ~~Bodies~~ *Body* having the Control ~~of the Streets within such respective Limits~~ *thereof.*

 10. Where

Depth, Course, &c. of underground Works to be agreed on between Street or Road Authority and Company, or else to be determined by Justices or Sheriff.

10. Where the Company ~~intends~~ *has obtained Consent* to ~~place~~ *the placing of* a Telegraph under a Street or public Road, the Depth, Course, and Position at and in which the same is to be placed shall be settled between the Company and the following Bodies:

The Body having the Control of the Street or public Road:

The Body having the Control of the Sewerage or Drainage thereunder:

But if such Settlement is not come to with any such Body, the following Provisions shall take effect:—

(1.) The Company may give to such Body a Notice specifying the Depth, Course, and Position which the Company desires:

(2.) If the Body to whom such Notice is given does not, within Twenty-eight Days after the giving of such Notice, give to the Company a Counter-Notice objecting to the Proposal of the Company, and specifying the Depth, Course, and Position which such Body desires, they shall be deemed to have agreed to the Proposal of the Company:

(3.) In the event of ultimate Difference between the Company and such Body, the Depth, Course, and Position shall be determined in England or Ireland by Two Justices, and in Scotland by Two Justices or ~~by~~ the Sheriff.

Underground Tubes to have distinguishing Mark.

11. Every underground Tube or Pipe of the Company shall be so marked as to distinguish it from Tubes or Pipes of every other Company.

~~Restrictions as to aboveground Works affecting Streets and public Roads.~~

For Works over or on Street or public Road, Consent of Street or Road Authority requisite.

12. The Company shall not place a Telegraph over, along, or across a Street or public Road, or a Post in or upon a Street or public Road, except with the Consent of the Body having the Control of such Street or public Road; ~~subject to this Proviso, that where the Company is desirous of placing a Telegraph over a public Road, either along the same for a less Distance in the whole than One hundred Yards, or across the same, and the Body having the Control of such public Road does not consent to the Company so doing, then, on the Application of the Company to the Board of Trade for Leave to do so, and on Notice to such Body, the Board of Trade may make Inquiry and Examination, and hear and determine the Matter of the Difference between the Company and such Body, and may either disallow the Application of the Company, or may authorize the Company, notwithstanding the Want of the Consent of such Body, to proceed with their proposed Works, with or without Modification, and subject or not to any Terms or Conditions, as the Board of Trade thinks fit; and the Determination of the Board of Trade shall be binding on the Company and on such Body; and the Board of Trade may allow to such Body such Costs as seem just, to be paid by the Company.~~

and

and where a public Road passes through or by the Side of any Park or Pleasure Grounds, and where a public Road crosses, by means of a Bridge or Viaduct, or abuts on any ornamental Water belonging to any Park or Pleasure Grounds, and where a public Road crosses or abuts on a private Drive through any Park or Pleasure Grounds, or to any Mansion, the Company shall not, without, or otherwise than in accordance with, the Consent of the Owner, Lessee, and Occupier of such Park, Pleasure Grounds, or Mansion, place any Work above Ground on such public Road.

Consent of Person liable for Repair of Road requisite.

Where any Landowner or other Person is liable for the Repair of any Street or public Road (notwithstanding that the same is dedicated to the Public), the Company shall not place any Work under, in, upon, over, along, or across such Street or public Road, except with the Consent of such Landowner or other Person, in addition to the Consent of the Body having the Control of such Street or public Road.

Removal of Works affecting Streets and public Roads.

13. In the following Cases—

(1.) If any Part of the Company's Works ~~affecting a Street or public Road~~ is abandoned, or suffered to fall into Decay;

(2.) If the Company is dissolved, or ceases for Six Months to carry on Business,

In case of Abandonment of Works, &c., Street or Road Authority or Owner of Land may remove them.

the Body having the Control of ~~the~~ *any* Street or public Road, *or the Owner of any Land or Buildings*, affected (in the former Case) by such Part of the Company's Works as aforesaid, or (in the latter Case) by any of the Company's Works, may give Notice to the Company, or leave a Notice at the last known Office or Place of Business of the Company, to the Effect that if such Works (~~being Works affecting a Street or public Road~~) as are specified in the Notice are not removed within One Month after the Notice given or left, the same will be removed by the Body having such Control, *or by such Owner;* and in every such Case, unless such Works are removed accordingly, the Body having such Control *or such Owner* may, without Prejudice to any Remedy against the Company, remove such Works, or any Part thereof, and sell the Materials thereof or of any Part thereof, and, out of the Proceeds of such Sale, reimburse themselves their Expenses relative to such Notice, Removal, and Sale, and consequent thereon (rendering the Overplus, if any, to the Company), and may recover any unpaid Residue of such Expenses from the Company. The present Section shall apply to an existing Company, in respect of any Work already constructed or to be hereafter constructed, as well as to a future Company.

In event of Alteration of Street or Road, Company to remove and replace their Works under or over the same.

14. In case the Body having the Control of any Street or public Road ~~shall~~ at any Time hereafter ~~resolve~~ *resolved* to alter the Line or Level of any Portion of such Street or Road under, *in, upon,* over, along, or across which any Work of the Company ~~may be~~ *constructed either before or after the passing of this Act is* placed, the Company shall from Time to Time be bound, on receiving One Month's Notice of such intended Alteration, and at their own Expense, to remove such Work, and to replace the same in such Position and Manner in all respects as ~~shall~~ *may* be required by such Body, or, in the event of Difference between such Body and the Company, in such Position and Manner in all respects as ~~shall~~ *may* be determined ~~by~~ *in England or Ireland by Two Justices, and in Scotland by Two Justices or* the Sheriff.

Removal of dangerous Posts placed before passing of this Act.

15. Where the Company has, before the passing of this Act, placed Posts in or upon a *Street or* public Road, and the Body having the Control of the *Street or* Road considers the Position of any such Post to be dangerous ~~to the Public,~~ *or inconvenient,* the following Provisions shall take effect:

(1.) Such Body may give to the Company a Notice requiring them to remove or alter the Position of such Post, and specifying the Grounds of such Requisition:

(2.) The Company either shall, within Fourteen Days after Receipt of such Notice, remove or alter the Position of the Post in accordance with the Notice; or else, if they do not intend to remove or alter the Position of the Post in accordance with the Notice, shall, within One Week after Receipt of the Notice, deliver to such Body a Counter-Notice, specifying their Objection to such Removal or Alteration:

(3.) Such Body may send Copies of the Notice and Counter-Notice to the Board of Trade:

(4.) As soon as may be after Receipt of such Copies, the Board of Trade shall (unless the Difference between the Body giving the Notice and the Company is arranged) make Inquiry and Examination, and hear and determine the Matter of the Notice and Counter-Notice:

(5.) On hearing any such Matter, the Board of Trade may direct that the Company shall comply with the Notice, wholly or in part, or subject to any such Modifications as the Board of Trade prescribes, or on condition that the Body giving the Notice shall afford to the Company all reasonable and proper Facilities in their Power for substituting some other Work for that to which the Notice relates, or on any such other Condition as to the Board of Trade seems, according to the Circumstances of the Case, just and expedient, ~~including, if it~~

~~seems~~

~~seems expedient, the Condition of the Payment by the Body giving the Notice of any Expense incurred by the Company in or about such Removal or Alteration, the Amount thereof,~~ *and the Expenses incurred in or about such Removal or Alteration shall be borne and paid by the Company or by the Body giving the Notice, or partly by one and partly by the other, as to the Board of Trade seems, according to the Circumstances of the Case, just and expedient, the Amount of such Expenses* to be determined in case of Difference by the Board of Trade.

Restrictions as to the Opening of Streets and public Roads.

Streets and public Roads to be opened only after Notice and under Superintendence.

16. Subject to any special Stipulations made with a Company by the Body having the Control of a Street or public Road, and to any Determinations, Orders, or Directions of the ~~Board of Trade,~~ Justices, or Sheriff as aforesaid, where the Company proceeds to open or break up a Street or public Road, the following Provisions shall take effect:—

(1.) The Company shall give to the Bodies between whom respectively and the Company the Depth, Course, and Position of a Telegraph under such Street or public Road are herein-before required to be settled or determined, Notice of their Intention to open or break up such Street or public Road, specifying the Time at which they will begin to do so, —such Notice to be given, in the Case of an underground Work, Ten Days *at least*, and in the Case of an aboveground Work Five Days at least, before the Commencement of the Work; except in case of Emergency, in which Case Notice of the Work proposed shall be given as soon as may be after the Commencement thereof:

(2.) The Company shall not (save in case of Emergency) open or break up any Street or public Road, except under the Superintendence of the Bodies to whom respectively Notice is by the present Section required to be given, unless such Bodies respectively refuse or neglect to give such Superintendence at the Time specified in the Notice for the Commencement of the Work, or discontinue the same during the Work:

(3.) The Company shall pay all reasonable Expenses to which such Bodies respectively may be put on account of such Superintendence.

Streets and public Roads to be restored and kept in repair for Six Months; Penalty.

17. Subject to any such special Stipulations as aforesaid, after the Company has opened or broken up a Street or public Road they shall be under the following further Obligations:—

(1.) They shall, with all convenient Speed, complete the Work on account of which they opened or broke up the same, and fill

fill in the Ground, and make good the Surface, and generally restore the Street or public Road to as good a Condition as that in which it was before being opened or broken up, and carry away all Rubbish occasioned thereby:

(2.) They shall in the meantime cause the Place where the Street or public Road is opened or broken up to be fenced and watched, and to be properly lighted at Night:

(3.) They shall pay all reasonable Expenses of keeping the Street or public Road in good Repair for Six Months after the same is restored, so far as such Expenses may be increased by such opening or breaking up:

If the Company fails to comply in any respect with the Provisions of the present Section, they shall for every such Offence (without Prejudice to the Right of any Person to enforce specific Performance of the Requirements of this Act, or to any other Remedy against them,) be liable to a Penalty not exceeding Twenty Pounds, *and to a further Penalty not exceeding Five Pounds for each Day during which any such Failure continues after the First Day when such Penalty was adjudged;* and any such Penalty shall (notwithstanding anything herein-before, or in any Act relating to Municipal Corporations, or to the Metropolitan Police Force, or in any other Act, contained) go and belong to the Body having the Control of the Street or public Road, and shall form Part of the Funds applicable by them to the Maintenance of the Street or public Road.

Power to Street or Road Authorities to execute Works and charge the Expenses to the Company.

18. Whenever the permanent Surface or Soil of any Street ~~shall be~~ *or public Road is* broken up or opened by the Company, it shall be lawful for the Body having the Control of the Street *or Road*, in case they think it expedient so to do, to fill in the Ground, and to make good the Pavement or Surface or Soil so broken up or opened, and to carry away the Rubbish occasioned thereby, instead of permitting such Work to be done by the Company; and the Costs and Expenses of filling in such Ground, and of making good the Pavement or Soil so broken up or opened, shall be repaid on Demand to the Body having the Control of the Street *or Road* by the Company, and in default thereof ~~shall~~ *may* be recovered by the Body having the Control of the Street *or Road* from the Company ~~in the Manner herein before mentioned~~ *as a Penalty is or may be recoverable from the Company.*

Restrictions on Impediments to Traffic.

19. The Company shall not stop or impede Traffic in any Street or public Road, *or into or out of any Street or public Road*, further than is necessary for the proper Execution of their Works. They shall not close against Traffic more than One Third in Width of any Street or public Road, *or of any Way opening into any Street*

or

or public Road, at One Time; and in case Two Thirds ~~thereof~~ *of such Street or Road* are not wide enough to allow Two Carriages to pass each other, they shall not occupy with their Works at One Time more than Fifty Yards in Length of the One Third thereof, except with the special Consent of the Body having the Control ~~of the Street or public Road~~ *thereof*.

Restrictions as to Works affecting private or Crown Property.

Crown Property.

20. The Company shall not place any Work *by the Side of any Land or Building, so as to stop, hinder, or interfere with Ingress or Egress for any Purpose to or from the same, or place any Work* under, in, upon, over, along, or across any Land or Building, *except with the previous Consent in every Case of the Owner, Lessee, and Occupier of such Land or Building, which Consent, in case of any Land or Building* belonging to or enjoyed by the Queen's most Excellent Majesty in right of Her Crown, ~~without the previous Consent in Writing of~~ *may be given by* the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty: ~~which Consent such Commissioners, or One of them, may give.~~ *Provided always, that the Consent of any Person occupying as a Tenant from Year to Year only shall not be required.*

For Works under or over Land Consent of Owner, &c. requisite.

21. ~~The Company shall not place any Work under, in, or upon any Land or Building, except with the Consent of the Owner, Lessee, and Occupier thereof; and, save as herein after expressly provided, the Company shall not place any Work over, along, or across any Land or Building, except with the Consent of the Owner, Lessee, and Occupier thereof.~~

Power to Owner, Lessee, or Occupier of House in Street to object to Telegraph less than Six Feet above Roof.

22. ~~Where the Body having the Control of a Street consents to the placing of Works in, upon, over, along, or across the Street, that Consent shall, unless it is otherwise provided by the Terms of such Consent, be sufficient Authority for the Company to place and maintain a Telegraph over, along, or across any Building adjoining to or near the Street, and within the Limits to which the Authority of such Body extends, or any Land, not being laid out as Building Land, adjoining to or near the Street, and within the same Limits, subject to the following Restrictions:—~~

~~(1.) Where the Company, by virtue of the Powers of the present Section, places a Telegraph directly over any Dwelling House adjoining to or near the Street, they shall not place the same at a less Height above the Roof thereof than Six Feet, if the Owner, Lessee, or Occupier of the Dwelling House objects to their placing the same at a less Height.~~

~~(2.) If at any Time the Owner, Lessee, or Occupier of any Building, or Land adjoining to a Building, directly over which Building~~

~~or Land the Company places a Telegraph by virtue of the Powers of the present Section, desires to raise such Building to a greater Height, or to extend the same over such Land, and in case of Difference with the Company satisfies a Justice that he intends so to raise or extend the same, the Company shall increase the Height or otherwise alter the Position of such Telegraph, so that the same may not interfere with the raising or Extension of such Building, within Fourteen Days after receiving from such Owner, Lessee, or Occupier a Notice of his Intention to raise or extend such Building, and a Certificate signed by such Justice, certifying that he is satisfied of the Intention of the Owner, Lessee, or Occupier to raise or extend the same.~~

For Telegraphs above Ground, and Posts, within certain Distance of Dwelling Houses, Consent of Occupier, &c. requisite.

23. ~~Subject and without Prejudice to the foregoing Provisions,~~ The Company shall not place a Telegraph above Ground, or a Post, within Ten Yards of a Dwelling House (~~whether adjoining to or near a Street or not~~), or place a Telegraph above Ground across an Avenue or Approach to ~~such~~ a Dwelling House, except subject and according to the following Restrictions and Provisions:—

(1.) They shall in each such Case obtain the Consent of the Occupier (if any) of such Dwelling House, and ~~if there is no Occupier, then~~ of ~~the~~ *his* immediate ~~Lessee~~ *Lessor*, and if there is none, then of the Owner:

(2.) The Consent of an Occupier *or Lessee* shall be effective only during the Continuance of his Occupation *or Lease:*

(3.) On the Termination of ~~the Occupation of any Occupier~~, *any Lease* the ~~Lessee or~~ Owner entitled to Possession, if he did not consent to the placing of the Telegraph or Post, may give Notice to the Company that he requires it to be removed:

(4.) The Company shall remove the same accordingly within One Month after receiving such Notice:

(5.) If any Question arises between ~~a Lessee or~~ *the* Owner and the Company as to such Removal, or the Time or Mode thereof, the same shall be referred to the Determination in England or Ireland of Two Justices, and in Scotland of Two Justices or the Sheriff, which Justices or Sheriff may give such Directions as to such Removal, and the Time and Mode thereof, as may seem reasonable, and may impose on the Company for not carrying such Directions into effect such Penalty not exceeding Five Pounds a Day as may seem just.

Notices to be published, and left at

24. Before the Company proceeds to place a Telegraph over, along, or across a *Street or* public Road, or to place Posts in or upon a *Street*

Street or public Road, they shall publish a Notice stating that they have obtained the Consent in that Behalf of the Body having the Control of the *Street or* public Road, and describing the intended Course of the Telegraph,—

Dwelling Houses, of intended Telegraph along Street or public Road, after Consent of Street or Road Authority obtained.

(1.) By affixing such Notice on some conspicuous Places by the Side of the Part of the *Street or* Road affected, at Distances of not more than One Mile apart:

(2.) By leaving such Notice at every Dwelling House fronting on the Part of the *Street or* Road affected, and being within Fifty Feet thereof:

(3.) By inserting such Notice as an Advertisement once at least in each of Two successive Weeks in some One and the same local Newspaper circulating in the Neighbourhood of the Part of the *Street or* Road affected:

And they shall not so place any such Telegraph or Post until the Expiration of Twenty-one Days from the last Publication of such Advertisement.

Owner or Occupier of adjoining Land or House may object.

25. At any Time during such Twenty-one Days the Owner, Lessee, or Occupier of any Land or Building adjoining to either Side of such *Street or* Road may give to the Company Notice of his Objection to their intended Works as ~~injuriously~~ *prejudicially* affecting such Land or Building, and send to the Board of Trade a Copy of his Notice of Objection.

Works to be stayed.

26. Until such Objection is settled, or is determined in manner herein-after provided, the Company shall not execute that Part of their intended Works to which the Objection relates.

Examination and Inquiry to be made by Board of Trade.

27. As soon as may be after the Receipt of such Copy of Notice of Objection, the Board of Trade shall (unless the Difference between the Company and the Person objecting is arranged) make Inquiry and Examination, and hear and determine the Matter of the Objection.

Powers of Board of Trade respecting the Objection.

28. On hearing any such Objection the Board of Trade—

(1.) may allow the Objection, wholly or in part; or

(2.) may authorize the Company to proceed with their Works, *subject to the Provisions of this Act*, according to their published Notice, paying to the Owner, Lessee, or Occupier objecting full Compensation (the Amount thereof to be determined, in case of Difference, by the Board of Trade) for any Damage done to him; or

(3.) may authorize the Company to so proceed subject to any such Conditions as to the Time or Mode of Execution of

any Work, or as to the Removal or Alteration in any event of any Work, or as to any other Thing connected with or relative to any Work, as the Board of Trade thinks fit; or

(4.) may authorize the Company to so proceed subject to any such Modification of any intended Work as the Board of Trade prescribes; but so that in that Case such Notice and Opportunity of objecting and being heard as the Board of Trade directs shall be given to any Owner, Lessee, or Occupier whom such Modification may affect.

Decision of Board of Trade final.

29. The Determination of the Board of Trade on the Matter of any such Objection shall be final and conclusive.

Costs.

30. The Board of Trade may allow to any Owner, Lessee, or Occupier so objecting such Costs as seem just, to be paid by the Company.

Removal or Alteration of Works affecting Land or Buildings.

For Building or other Purposes, Owner, &c. may require Removal of Works.

31. Where at any Time before or after the passing of this Act the Company has constructed any Work under, in, upon, over, along, or across any Land or Building, or any Street or public Road adjoining to or near any Land or Building, and any Owner, Lessee, or Occupier of such Land or Building, or any Lord of a Manor, or other Person having any Interest in such Land or Building, desires to build upon or inclose such Land, or in any Manner to improve or alter such Land or Building, or to use such Land or Building in some Manner in which it was not actually used at the Time of the Construction of such Work by the Company, and with which the Continuance of such Work would ~~materially~~ interfere, then and in every such Case the following Provisions shall take effect:

(1.) Such Owner, Lessee, Occupier, Lord of a Manor, or other Person interested may give to the Company a Notice specifying the Nature of such intended Building, Inclosure, Improvement, Alteration, or other Use of the Land or Building, *including Ingress or Egress thereto or therefrom*, and requiring the Company to remove or alter their Work so that the same may not interfere therewith:

(2.) Within Fourteen Days after the Receipt of such Notice, or in case of Difference between the Company and the Person giving the same as to his Intention, then within Fourteen Days after the Receipt of a Certificate, signed by a Justice of the Peace, certifying that he is satisfied of the Intention of such Person to make such Building, Inclosure, Improvement, Alteration, or other Use of the Land or Building,

and

and that the Continuance of such Work would interfere therewith, the Company shall remove or alter their Work so that the same shall not interfere with such intended Building, Inclosure, Improvement, Alteration, or other Use of the Land or Building:

(3.) When such Certificate ~~shall be~~ *is* required by the Company the Costs thereof, when obtained, shall be paid by the Company to the Person giving the Notice:

(4.) Nothing herein shall empower any Person to obtain the Removal or Alteration of any Work contrary to the Terms of any Grant or Consent in Writing made or given by him, or by any Person through whom he takes his Estate or Interest.

Removal of injurious Works constructed before this Act.

32. Where the Company has, before the passing of this Act, constructed any Work under, in, upon, over, along, or across a Street or public Road, and the Owner, Lessee, or Occupier of any Land or Building adjoining to or near the Street or public Road considers such Land or Building to be ~~injuriously~~ *prejudicially* affected by such Work, then the following Provisions shall take effect:

(1.) Such Owner, Lessee, or Occupier may give to the Company a Notice requiring them to remove or alter such Work, and specifying the Grounds of such Requisition:

(2.) The Company either shall, within One Month after Receipt of such Notice, remove or alter the Work in accordance with the Notice, or else, if they do not intend to remove or alter the Work in accordance with the Notice, shall, within One Week after Receipt of the Notice, deliver to the Person giving the Notice a Counter-Notice, specifying their Objection to such Removal or Alteration:

(3.) The Person giving the Notice may send Copies of the Notice and Counter-Notice to the Board of Trade:

(4.) As soon as may be after Receipt of such Copies the Board of Trade shall (unless the Difference between the Person giving the Notice and the Company is arranged) make Inquiry and Examination, and hear and determine the Matter of the Notice and Counter-Notice:

(5.) Such Owner, Lessee, or Occupier shall be entitled to obtain a Direction from the Board of Trade for the Removal or Alteration of such Work in every Case where it appears to the Board of Trade that such Land or Building is ~~injuriously~~ *prejudicially* affected by such Work, and that the Removal or Alteration thereof may be effected consistently with a due Regard to the efficient Working of the Company's

Telegraphs, such Direction nevertheless to be given on such Terms and Conditions as to the Board of Trade seem, according to the Circumstances of the Case, just and expedient, including, if it seems expedient, the Condition of the Payment by such Owner, Lessee, or Occupier of any Expense incurred by the Company in or about such Removal or Alteration, the Amount thereof to be determined in case of Difference by the Board of Trade:

(6.) Nothing herein shall empower any Person to obtain the Removal or Alteration of any Work contrary to the Terms of any Grant or Consent in Writing made or given by him, or by any Person through whom he takes his Estate or Interest.

Restrictions as to Works affecting Railways and Canals.

For Works affecting Railways, Canals, &c. Consent of Directors, &c. requisite.

33. The Company shall not place any Work under, in, upon, over, along, or across any Railway or Canal, except with the Consent of the Proprietors or Lessees, or of the Directors or Persons having the Control thereof. But this Provision shall not restrict the Company from placing any Work (subject and according to the other Provisions of this Act) under, in, upon, over, along, or across any Street or public Road, although such Street or public Road may cross or be crossed by a Railway or Canal, so that such Work do not damage the Railway or Canal, or interfere with the Use, Alteration, or Improvement thereof.

Access from future Docks to Canal.

34. If at any Time after the Company has placed any Work under, in, upon, over, along, or across any Canal, any Person having Power to construct Docks, Basins, or other Works upon any Land adjoining to or near such Canal constructs any Dock, Basin, or Work on such Land, but is prevented by the Company's Work from forming a Communication for the convenient Passage of Vessels with or without Masts between such Dock, Basin, or other Work, and such Canal, or if the Business of such Dock, Basin, or other Work is interfered with by reason or in consequence of any such Work of the Company, then the Company, at the Request of such Person, and on having reasonable Facilities afforded them by him for placing a Telegraph round such Dock, Basin, or other Work, under, in, upon, over, along, or across Land belonging to or under his Control, shall remove and place their Work accordingly. If any Dispute arises between the Company and such Person as to the Facilities to be afforded to the Company, or as to the Direction in which the Telegraph is to be placed, it shall be determined by the Board of Trade.

Appointment

Appointment of Arbitrator by Board of Trade.

Board of Trade may in any Case appoint Arbitrator.

35. If in any Case where any Matter is herein-before authorized or directed to be determined by the Board of Trade it appears to the Board of Trade to be expedient, for Convenience of local Investigation or for any other Reason, that the Matter should be determined by an Arbitrator, the Board of Trade may, notwithstanding anything herein-before contained, and whether the Board of Trade has entered on the Investigation or not, refer the Matter to some competent and impartial Person as Arbitrator; and with respect to the Matter so referred any such Arbitrator shall have the like Authority and Jurisdiction as the Board of Trade has under this Act, and his Determination shall have the same Effect as a Determination of the Board of Trade under this Act. The reasonable Expenses and Remuneration of the Arbitrator (to be settled in case of Difference by the Board of Trade) shall be paid by the Company.

Restrictions as to Works affecting Seashore.

For Works on Seashore, Consent of Proprietors of Shore and Conservancy or other Authorities requisite.

36. The Company shall not place any Work under, in, upon, over, along, or across any Estuary or Branch of the Sea, or the Shore or Bed of any tidal Water, except with the Consent of all Persons and Bodies having any Right of Property, or other Right, *or any* Power, Jurisdiction, or Authority in, over, or relating to the same, which may be affected or be liable to be affected by the Exercise of the Powers of the Company (which Consent, where Her Majesty in right of Her Crown is interested, may be given on behalf of Her Majesty by the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, in Writing signed by them or him).

Plan of such Works to be subject to Approval of Board of Trade.

37. Before commencing the Construction of any such Work as last aforesaid, or of any Buoy or Sea Mark connected therewith, except in Cases of Emergency for Repairs to any Work ~~already~~ *previously* constructed or laid, and then as speedily after the Commencement of such Work as may be, the Company shall deposit at the Office of the Board of Trade a Plan thereof, for the Approval of the Board of Trade. The Work shall not be constructed otherwise than in accordance with such Approval. If any Work is constructed contrary to this Provision, the Board of Trade may, at the Expense of the Company, abate and remove it, or any Part of it, and restore the Site thereof to its former Condition.

Lights and Signals for such Works.

38. Notwithstanding anything in The Merchant Shipping Act, 1854, or any Act amending the same, contained, the Company may, in or about the Construction, Maintenance, or Repair of any such Work, use on board Ship or elsewhere any Light or Signal allowed

by any Regulation to be made in that Behalf by the Board of Trade.

Power of Board of Trade as to such Works if disused, &c.

39. If any such Work, Buoy, or Sea Mark is abandoned, or suffered to fall into Decay, the Board of Trade may, if and as they think fit, at the Expense of the Company, either repair and restore it or any Part of it, or abate and remove it or any Part of it, and restore the Site thereof to its former Condition.

Local Survey of such Works by Board of Trade.

40. The Board of Trade may at any Time, at the Expense of the Company, cause to be made a Survey and Examination of any such Work, Buoy, or Sea Mark, or of the Site thereof.

Recovery of Expenses by Board of Trade in such Cases.

41. Whenever the Board of Trade, under the Authority of this Act, does, in relation to any such Work, any Act or Thing which they are by this Act authorized to do at the Expense of the Company, the Amount of such Expense shall be a Debt due to the Crown from the Company, and shall be recoverable as such, with Costs, or the same may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

General Obligations and Liabilities of Company and their Servants.

Telegraph to be open for all Messages without Preference; subject to Leases.

42. Every Telegraph of the Company shall be open for the Messages of all Persons alike, without Favour or Preference; but this Provision shall not prejudicially affect the Operation of any Lease *or Agreement* authorized by this Act.

Company to be responsible for all Damages.

43. The Company shall be answerable for all Accidents, *Damages*, and Injuries happening through the Act or Default of the Company or of any Person in their Employment by reason or in consequence of any of the Company's Works, and shall save harmless all Bodies having the Control of Streets or public Roads, collectively and individually, and their Officers and Servants, from all Damages and Costs in respect of such Accidents and Injuries.

Sale, &c. of Undertaking and Leases of Wires (with Exceptions) prohibited, except with Consent of Board of Trade.

44. The Company shall not sell, transfer, or lease their Undertaking or Works, or any Part thereof, to any other Company or to any Body or Person, except with the Consent of the Board of Trade previously obtained for such Sale, Transfer, or Lease; but this Provision shall not, as far as it relates to Leases, apply to the Universal Private Telegraph Company, constituted by the Special Act of 1861 in the Schedule to this Act mentioned, and shall not restrict the granting of any Lease by any Company in pursuance of any Agreement in that Behalf made before the Twelfth Day of February One thousand eight hundred and sixty-three, *and shall not restrict*

restrict the making or carrying into effect by any Company of any Arrangement with any Person for providing any Work for his private Use only.

Registered Office of Company for Service of Documents.

45. The Company, before exercising any Power for the Construction of Works or the opening or breaking up of Streets or public Roads in any One of the Three Parts of the United Kingdom, shall give to the Registrar of Joint Stock Companies acting for that Part of the United Kingdom under The Companies Act, 1862, Notice of the Situation of some Office where Notices may be served on the Company within that Part of the United Kingdom; and the Company shall from Time to Time give to such Registrar Notice of any Change in the Situation of such Office: Every such Notice shall be recorded by the Registrar, and the Record thereof may be inspected from Time to Time by any Person: The Delivery at the Office of which Notice is so given of any Notice, Writ, Summons, or other Document addressed to the Company shall, for the Purposes of this Act and all other Purposes, be deemed good Service on the Company: The Company shall, on giving each Notice to the Registrar under the present Section, pay such Fee as is payable under the last-mentioned Act on Registration of any Document by that Act required or authorized to be registered, other than a Memorandum of Association; and every Person inspecting the Record of such Notice with the Registrar shall pay such Fee as is for the Time being payable under the last-mentioned Act for Inspection of Documents kept by the Registrar under that Act.

Punishment of Officers of Company for Misconduct respecting Messages.

46. If any Person in the Employment of the Company—

Wilfully or negligently omits or delays to transmit or deliver any Message;

Or by any wilful or negligent Act or Omission prevents or delays the Transmission or Delivery of any Message;

Or improperly divulges to any Person the Purport of any Message,—

He shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds.

Saving for Effect of future General Acts.

47. Nothing in this Act, and nothing in any future Special Act, except so far as express Provision to the contrary hereof may be thereby made, shall relieve the Company from being subject to any Restrictions, Regulations, or Provisions which may hereafter be made by Act of Parliament respecting Telegraphs or Telegraph Companies or their Charges.

Saving as to Restrictions on and Duties of existing Companies.

Certain Enactments in Special Acts not affected by this Act.

48. Nothing in this Act shall affect any of the Enactments specified in the Schedule to this Act.

Powers of Her Majesty's Government over Company.

Messages on Her Majesty's Service to have Priority.

49. If One of Her Majesty's Principal Secretaries of State, or the Board of Trade, or other Department of Her Majesty's Government, requires the Company to transmit any Message on Her Majesty's Service, such Message shall (notwithstanding anything herein-before contained) have Priority over all other Messages; and the Company shall as soon as reasonably may be transmit the same, and shall, until Transmission thereof, suspend the Transmission of all other Messages.

On Request of Board of Trade Company to place Telegraph.

50. On the Request of the Board of Trade, the Company shall from Time to Time place and shall maintain such a Telegraph as the Board of Trade appoints, to be for the exclusive Use of Her Majesty, and to be applied to such Purposes, whether for the immediate Service of Her Majesty, or otherwise, as Her Majesty thinks fit.

On Refusal or Neglect of Company, Power to Board of Trade to place such Telegraph.

51. If the Company refuses or neglects to place a Telegraph in accordance with such Request, the Board of Trade may cause such a Telegraph to be placed in connection with any of the Company's Works, by such Persons and in such Manner as the Board of Trade thinks fit, and for that Purpose shall have and may exercise all the Powers under this Act or otherwise vested in the Company; subject, nevertheless, to the Restrictions and Provisions under this Act or otherwise applicable to the Company, and without Prejudice to the Exercise by the Company of the Powers under this Act or otherwise vested in them.

Remuneration of Company for placing such Telegraph.

52. Where the Company places a Telegraph, in pursuance of such Request of the Board of Trade, the Commissioners of Her Majesty's Treasury shall pay to the Company, as Remuneration for the same, out of Money to be provided by Parliament for the Purpose, such Sum, annual or in gross, or both, as may be settled between the Board of Trade and the Company by Agreement, or, in case of Difference, by Arbitration, such Arbitration to be conducted as follows:

(1.) The Board of Trade and the Company shall each, within Fourteen Days after the Delivery by one to the other of a Demand in Writing for an Arbitration, nominate an Arbitrator:

(2.) If

(2.) ~~If either Party makes default in so nominating an Arbitrator, the Arbitrator nominated by the other Party shall nominate a Second Arbitrator~~:

(3.) The Two Arbitrators nominated shall, before entering on the Arbitration, nominate an Umpire:

(4.) If either *Party or* Arbitrator makes default in nominating an *Arbitrator or* Umpire within Fourteen Days after receiving from the other a Demand in Writing for such Nomination, the Lord Chief Justice of Her Majesty's Court of Common Pleas at Westminster may, on the Request of the Board of Trade, or of the Company, by Writing under his Hand, nominate an *Arbitrator or* Umpire:

(5.) The Arbitrators shall make their Award within Twenty-eight Days after their Nomination, otherwise the Matter shall be left to be determined by the Umpire:

(6.) The Umpire shall make his Award within Twenty-eight Days after Notice from the Arbitrators or One of them that the Matter is left to be determined by him; or, on default, a new Umpire shall be appointed as nearly as may be in manner aforesaid, who shall make his Award within the like Time, or on default be superseded; and so toties quoties:

The Award of the Arbitrators or Umpire shall be final and conclusive as between the Board of Trade and the Company.

In Emergencies Telegraphs may be taken possession of for Her Majesty's Service.

53. Where, in the Opinion of One of Her Majesty's Principal Secretaries of State, an Emergency has arisen in which it is expedient for the Public Service that Her Majesty's Government should have Control over the Transmission of Messages by the Company's Telegraphs, the Secretary of State, by Warrant under his Hand, may direct and cause the Company's Works, or any Part thereof, to be taken possession of in the Name and on behalf of Her Majesty, and to be used for Her Majesty's Service, and, subject thereto, for such ordinary Service as may seem fit; or may direct and authorize such Persons as he thinks fit to assume the Control of the Transmission of Messages by the Company's Telegraphs, either wholly or partly, and in such Manner as he directs. Any such Warrant shall not have effect for a longer Time than One Week from the issuing thereof; but the Secretary of State may issue successive Warrants from Week to Week as long as, in his Opinion, such Emergency continues. The Commissioners of Her Majesty's Treasury shall pay to the Company, as Compensation for any Loss of Profit sustained by the Company by reason of the Exercise by the Secretary of State of any of the Powers of the present Section, out of Money to be provided by Parliament for the Purpose, such Sum as may be settled between the Secretary of State and the Company by Agreement, or, in case

of Difference, by Arbitration,—such Arbitration to be conducted in manner provided in the last foregoing Section, the Secretary of State being only substituted for the Board of Trade.

Power to proceed against Company given to Law Officers of Crown on Certificate of Board of Trade.

54. Where it appears to the Board of Trade that any Provision of this Act has not been complied with on the Part of the Company, and that it would be for the public Advantage that Compliance therewith should be enforced, the Board of Trade may certify accordingly to Her Majesty's Attorney General for England or for Ireland, or to the Lord Advocate for Scotland, as the Case may require; and thereupon the Attorney General or Lord Advocate may, by such Civil or Criminal Proceeding as the Case may require, enforce Compliance with such Provision, by the Recovery of Penalties, or otherwise according to Law. But no such Certificate shall be made by the Board of Trade until *the Expiration of* Twenty-one Days after they have given Notice to the Company of their Intention to make the same. This Provision shall be deemed to be cumulative, and to be without Prejudice to any other Remedy or Process against the Company on the Part of Her Majesty or of any Person or Body.

SCHE-

SCHEDULE.

Enactments in Special Acts of existing Companies which are not to be affected by this Act.

Session and Chapter of Act.	Short Title of Act.	Enactments to which Saving extends.
16 & 17 Vict. c. clix. -	The British Electric Telegraph Company's Act, 1853.	Section Forty-three (relating to Works affecting the Thames).
16 & 17 Vict. c. cciii.	The Electric Telegraph Company's Act, 1853.	Section Fifty-six (relating to Works affecting the Thames).
24 & 25 Vict. c. lxi. -	The Universal Private Telegraph Company's Act, 1861.	Section Twenty-seven (relating to Works affecting the Mersey Dock Estate).
24 & 25 Vict. c. xcii. -	Bonelli's Electric Telegraph Act, 1861.	Sections Twenty-five, Twenty-six, Twenty-seven (relating to Works affecting the Thames), and Thirty-eight and Thirty-nine (relating to Works affecting the Mersey, and to the Mersey and Irwell Navigation).
25 & 26 Vict. c. cxxxi.	United Kingdom Electric Telegraph Act, 1862.	Sections Fifty-three, Fifty-four, Fifty-five (relating to Works affecting the Thames), Fifty-seven, Fifty-eight (relating to Works affecting the Mersey, and to the Mersey and Irwell Navigation), Seventy-four (relating to a Sale, Transfer, or Lease), and Seventy-six (relating to Works in Scotland).

Telegraphs.

A

BILL

[WITH THE AMENDMENTS MADE BY THE LORDS]

INTITULED

An Act to regulate the Exercise of Powers under Special Acts for the Construction and Maintenance of Telegraphs.

Ordered, by The House of Commons, *to be Printed*, 15 *July* 1863.

[Bill 241.]

Under 3 *oz.*

Telegraphs Bill.

AMENDMENTS MADE BY THE LORDS TO THE AMENDMENTS MADE BY THE COMMONS TO THE AMENDMENTS TO THE TELEGRAPHS BILL.

The Lords agree to the Amendment made by the Commons to the Amendment made by their Lordships in Page 10, Line 4, with the following Amendments:—

Line 5. After ("having") insert ("respectively")

Line 15. After ("Land") insert ("or not being a Garden or Pleasure Ground")

Line 16. After ("Provisions") insert ("(1.) Twenty-one Days at least before the Company proceeds to place a Telegraph by virtue of the Authority so conferred, they shall publish a Notice stating they have obtained the Consent of such Body as aforesaid, and describing the intended Course of such Telegraph"), altering the Numbers of the subsequent Paragraphs.

The Lords propose as a consequential Amendment upon the Commons disagreeing to certain Amendments of the Lords in Page 11, to amend the original Bill by leaving out ("immediate") in Page 11, Line 7.

The Lords propose in the same Line, after the Word ("Lessee") reinstated in the Bill by the Commons disagreeing to the Lords Amendment, to insert ("entitled to Possession")

With the preceding Exceptions the Lords agree to the whole of the Amendments of the Commons to the Amendments of the Lords to the said Bill, and do not insist upon such of their Amendments as the Commons have disagreed to.

[Bill 278.]

Telegraphs Bill.

AMENDMENTS MADE BY THE LORDS TO THE AMENDMENTS MADE BY THE COMMONS TO THE AMENDMENTS TO THE TELEGRAPHS BILL.

Ordered, by The House of Commons, *to be Printed*, 25 *July* 1863.

[Bill 278.]

Under 1 *oz.*

Thames Embankment (North Side) Bill.

ARRANGEMENT OF CLAUSES.

Preamble recites 25 & 26 Vict. c. 93, and 24 & 25 Vict. c. 42.

Works.

Power to Board to make new Street; Sect. 1.

Works connected with new Street; 2.

Power to deviate; 3.

Alteration of Pipes; 4.

Power to make Sub-way; its Maintenance; laying of Gas and Water Pipes, &c.; 5.

Power to set out Footway; 6.

Ground laid open into new Street to form Part thereof; Street to be under Commissioners of Sewers; 7.

Lands.

Power for Board to take Lands; 8.

Incorporation of Sections 23, 24, and 40 of Act of 1862; 9.

Power to Board to purchase and extinguish Easements; 10.

Custody of deposited Plans; 11.

Limit of Time for compulsory Purchase; 12.

Incorporation of Sections 32 to 38 of Act of 1862; 13.

Money.

Power to Board to borrow for Purposes of this Act and of the Act of 1862 jointly; 14.

Appropriation of Improvement Fund; 15.

Miscellaneous.

Determination in case of disputed Compensation; 16.

Questions of disputed Compensation, where Juries required, to be determined in Lord Mayor's Court; 17.

Incorporation of Sections 50 to 52 of Act of 1862; 18.

Extension to this Act of general Powers of Board; 19.

Short Title; 20.

Costs of Act; 21.

A

B I L L

FOR

Making a new Street from Blackfriars to the Mansion House in the City of London in connection with the Embankment of the River Thames on the Northern Side of that River; and for other Purposes.

WHEREAS by The Thames Embankment Act, 1862, herein-after called the Embankment Act of 1862, the Metropolitan Board of Works, herein-after called the Board, are authorized to make an Embankment on the Left Bank of the Thames from Westminster Bridge to the Eastern Boundary of the Inner Temple, and a Viaduct thence to Blackfriars Bridge, with a public Roadway on the Embankment and on the Viaduct: Preamble. 25 & 26 Vict. c. 93.

And whereas, for the Purpose of improving the Metropolis and of providing a convenient Communication for Traffic to the Eastward of the said Roadway, it is expedient that the Board should also be authorized to make, in continuation of the said Roadway, the new Street in the City of London herein-after described:

And whereas by The London Coal and Wine Duties Continuance Act, 1861, a Fund called the Thames Embankment and Metropolis Improvement Fund, was established, out of the Proceeds of certain 24 & 25 Vict. c. 42.

local Coal and Wine Duties thereby continued until the Fifth Day of July One thousand eight hundred and seventy-two, and was thereby directed to be applied to the Improvement of the Metropolis in such Manner as might thereafter be determined by Parliament:

And whereas by the Embankment Act of 1862 the Expenses of the said Embankment on the left Bank were charged upon the said Improvement Fund, subject to certain prior Charges thereon; and it is expedient that the Expenses of the said intended new Street should likewise be charged on that Fund:

And whereas the Objects of the present Act cannot be effected without the Authority of Parliament:

And whereas Plans and Sections of the intended new Street, and Works connected therewith, showing the proposed Situation, Lines, and Levels thereof, and the Lands intended to be or which may be taken for the Purposes thereof, and a Book of Reference to the same Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the same Lands, have been deposited at the Office of the Clerk of the Peace for the City of London, and the same are herein-after referred to as the deposited Plans, Sections, and Book of Reference:

May it therefore please YOUR MAJESTY

That it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Works.

Power to Board to make new Street.

1. The Board may, in the Situation and Line, and according to the Levels, and within the Limits of Deviation, and on the Lands, defined in the deposited Plans, Sections, and Book of Reference, make the Street herein-after described; namely,—

A Street commencing in the Precincts of Whitefriars and Bridewell, and Parishes of Saint Bridget otherwise Saint Bride, and Saint Ann Blackfriars, or some or One of them, in the City of London, in or out of New Bridge Street, at or near the Portion of New Bridge Street called Chatham Place, and terminating in the Parishes of Saint Mary Woolchurch Haw and Saint Mildred Poultry, or One of them, in the City of London,

don, at or in the Streets called the Poultry, Mansion House Street, and Charlotte Row, in the City of London, at or near the Mansion House:

which is herein-after referred to as the new Street.

Works connected with new Street.

2. Subject to the Provisions of this Act, and in accordance with the deposited Plans, or within the Limits thereon defined, the Board, in connection with the new Street, and as Part of the Works by this Act authorized, herein-after referred to as the Works, and for the Purposes thereof, may make Junctions and Communications with any existing Streets which may be intersected or interfered with by or be contiguous to the new Street, and may make Diversions, Widenings, or Alterations of Lines or Levels of any existing Streets, for the Purpose of connecting the same with the new Street, or of crossing under or over the same, or otherwise, and may remove, destroy, alter, divert, stop up, inclose, use, or appropriate all or any Part of any Street, Square, Place, Court, Alley, or Passage, whether a Thoroughfare or not, or of any Thoroughfare, Road, Lane, or Way, or of any Stream, Drain, Sewer, Watercourse, void Ground or other Property, within the Limits of lateral Deviation defined on the deposited Plans, the Board providing a proper Substitute before interrupting the Flow of Sewage in any Drain or Sewer.

Power to deviate.

3. In making the new Street the Board may deviate to any Extent not exceeding *Five* Feet from the Levels defined on the deposited Sections, and may deviate from the Line of the new Street within the Limits of Deviation defined on the deposited Plans, but the Board shall not deviate beyond the last-mentioned Limits, without the Consent of the Person or Body through whose Lands any such Deviation is made.

Alteration of Pipes.

4. In making the new Street and Works the Board may raise, sink, or otherwise alter the Position of any Watercourse, Water Pipe, or Gas Pipe belonging to or connected with any House or Building adjoining or near to the new Street or Works, and also any Main or other Pipe laid down or used by any Company for carrying a Supply of Water or Gas, and also any Pipe, Tube, Wire, or Apparatus laid down for telegraphic or other Purposes, and may remove any other Obstruction, causing as little Detriment and Inconvenience as Circumstances admit to any Company, Person, or Body, and making reasonable Compensation to any Person who suffers Damage by any such Alteration.

Power to make Sub-way.

Sub-way to be maintained and repaired by Board.

Companies to lay Main Pipes in Sub-way and Service Pipes according to Directions of Board.

5. The Board may make under the new Street an arched Passage or covered Way, herein-after called the Sub-way, for such Purposes as they think fit, with all Communications, Works, and Things necessary or proper for the convenient Use thereof; and the same Sub-way, Communications, Works, and Things shall be deemed Part of the Works authorized by this Act, and the same shall (notwithstanding anything herein contained) belong to and be vested in the Board, and shall be maintained and repaired by the Board in manner provided by Section Twenty-two of the Embankment Act of 1862, respecting the Embankment therein mentioned; and the Board may permit the Use of the Sub-way for the Purpose of the laying down of Gas or Water Pipes, or Telegraphic Wires, or for any other Works or Purpose, on such Terms and Conditions, and for such Period as the Board or any Company or Person may mutually agree; and the Board may sell and convey any such Right or Property to any Company or Person for any of the Purposes aforesaid, or may grant a Lease thereof for any Term or Number of Years, and may make such Stipulations for preventing Injury to the adjoining Property, and for the Security of the Public as the Board think proper, and may agree to refer to Arbitration any Matter in difference under the present Provision.

Power to set out Footway.

6. The Board may cause such Part of the new Street to be laid out for Carriageway, and such Part thereof for Footway, as they think proper.

Ground laid open into new Street to form Part thereof; Street to be under Commissioners of Sewers.

7. When the new Street is completed, of which Completion a Certificate, signed by the Chairman of the Board, and delivered to the Clerk of the Commissioners of Sewers for the City of London, shall be for all Purposes conclusive Evidence, all the Ground laid open into the new Street shall be deemed to form Part thereof, and may be used by the Public accordingly; and thenceforth the new Street, with the sole Power, Authority, and Duty of paving, repairing, cleansing, lighting, and watching the same, and of rating Hereditaments within the same, shall be under the Care, Management, Control, and Jurisdiction of the said Commissioners of Sewers.

Lands.

Power for Board to take Lands.

8. The Board may enter upon, take, and use, for the Purposes of this Act, any of the Lands defined in the deposited Plans and Book of Reference; and The Lands Clauses Consolidation Act, 1845, with the Exception of Sections 34 and 92, (relating to the Costs of Arbitrations, and to the taking of Parts of Buildings, and to Matters connected therewith respectively), and The Lands Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Act;

Act; and for the Purposes of this Act anything by the last-mentioned Acts, or either of them, required or authorized to be done by Two Justices, shall or may be done by *Two* Aldermen of the City of London acting together, or by the Lord Mayor or the Recorder of the said City acting alone.

Incorporation of Sections 23, 24, and 40 of Act of 1862.

9. There shall be incorporated with this Act Sections Twenty-three, Twenty-four, and Forty of the Embankment Act of 1862 (relating to the taking of Parts of Lands, and to the Correction of any Errors in the Book of Reference, and to the Costs of Arbitrations, and to Matters connected therewith respectively); and for this Purpose the Term "this Act," and Terms of Reference thereto, used in any of the Sections last enumerated, shall be taken to mean or refer to the present Act.

Power to Board to purchase and extinguish Easements.

10. The Board may purchase any Easement which they may require to extinguish for the Purposes of this Act; and for the Purposes of every such Purchase the Term "Lands" in the said Lands Clauses Consolidation Act, shall be deemed to include Easements.

Custody of deposited Plans.

11. Until the Completion of the Works the deposited Plans, Sections, and Book of Reference shall remain in the Office in which they are deposited, and all Persons may at all reasonable Times inspect the same at their Pleasure, paying *One Shilling* for each Inspection.

Limit of Time for compulsory Purchase.

12. The Powers of the Board for the compulsory Purchase of Lands under this Act shall not be exercised after the Expiration of *Five* Years from the passing of this Act.

Incorporation of Sections 32 to 38 of Act of 1862.

13. There shall be incorporated with this Act Sections Thirty-two to Thirty-eight (both inclusive) of the Embankment Act of 1862 (relating to Leases and Sales of Land by the Board, and to the Application of Money arising therefrom, and to Matters connected therewith respectively); and for this Purpose the Term "this Act," and Terms of Reference thereto, used in any of the Sections last enumerated, shall be taken to mean or refer to the present Act.

Money.

Power to Board to borrow for Purposes of this Act and of the Act of 1862 jointly.

14. The Powers of borrowing Money vested in the Board under the Embankment Act of 1862, and the Provisions of that Act relating thereto, shall be deemed to extend and apply to this Act; and the Board may, under those Powers, borrow, on the Security of the said Improvement Fund, Money to the Extent of *One Million seven*

seven hundred thousand Pounds, instead of to the Extent only of One million Pounds; and the Board shall apply all Money so borrowed for the Purposes of the Undertakings authorized by the Embankment Act of 1862, and this Act, or either of them; but nothing in this Act shall affect the Security of any Person or Body who has before the passing of this Act lent any Money to the Board in pursuance of the Embankment Act of 1862; and Lands or Property acquired by the Board under the Act of 1862, or this Act, may be made, either with the said Improvement Fund or alone, a Security for any Money so borrowed.

Appropriation of Improvement Fund.

15. Notwithstanding anything in the Embankment Act of 1862 contained (and subject to the Provision herein-after contained for Payment of the Costs, Charges, and Expenses of and incidental and preliminary to the obtaining of this Act, or incurred by the Board in relation thereto), all Money forming Part of the Thames Embankment and Metropolis Improvement Fund at the passing of this Act, or becoming Part of that Fund after the passing of this Act, shall be paid by the Commissioners of Her Majesty's Treasury to the Board in such Proportions as the Board may from Time to Time by Writing under their Seal require, and shall be applied by the Board as follows:—

First, in satisfying all Charges on the said Improvement Fund created under the Embankment Act of 1862 before the passing of this Act:

Secondly, in satisfying all Charges thereon to be created under this Act:

Thirdly, in paying the Expenses from Time to Time incurred in respect of the Undertakings authorized by the Embankment Act of 1862, and this Act, or either of them:

Lastly, in the Improvement of the Metropolis in such Manner as may hereafter be determined by Parliament.

Miscellaneous.

Determination in case of disputed Compensation.

16. The Amount and Application of any Compensation payable by the Board in any Case under this Act shall be determined in the Manner provided by The Lands Clauses Consolidation Act, 1845, for Determination of the Amount and Application of Compensation for Lands taken under that Act, subject nevertheless to the Provisions of the next following Section.

Questions of disputed Compensation, where Juries required, to be

17. Where any Question of disputed Compensation under this Act is required to be determined by the Verdict of a Jury, the Jury shall be required to appear before the Court of the Mayor and Aldermen of the City of London to be holden in the Outer Chamber of the Guildhall

Guildhall of the said City, according to the Custom of the said City, at a Time to be appointed by the said Court; and all the Provisions of The Lands Clauses Consolidation Act, 1845, with respect to the Settlement of Questions of disputed Compensation by Juries, appearing before the Sheriff, Coroner, or other Person, shall extend and be applied with respect to the Settlement of any such Question of disputed Compensation under this Act by Juries appearing before the said Court; and the said Court shall give Judgment for the Purchase Money or Compensation assessed by such Jury; and a Verdict and Judgment shall be signed by the Registrar of the said Court, and entered among the Records of the said Court; and the said Registrar shall settle the Costs of every such Inquiry. determined in Lord Mayor's Court.

18. There shall be incorporated with this Act Sections Fifty, Fifty-one, and Fifty-two of the Embankment Act of 1862 (relating to the Application of Penalties, and to Actions, and to Matters connected therewith respectively); and for this Purpose the Term "this Act," and Terms of Reference thereto, used in any of the Sections last enumerated, shall be taken to mean or refer to the present Act. Incorporation of Sections 50 to 52 of Act of 1862.

19. The Board shall have and may exercise, for and in the Execution of this Act, all such Powers, Privileges, and Authorities as are conferred on the Board by the Acts constituting and regulating the Board (save that the Board shall not apply any Money raised under those Acts in or towards the Construction or Execution of any Work authorized by this Act), and, as far as may be, the Provisions of those Acts shall extend and apply for the Purposes and in the Execution of this Act; and there shall be incorporated with this Act Section Seven of the Embankment Act of 1862 (relating to a Committee of the Board); and for this Purpose the Term "this Act," and Words of Reference thereto, used in the last-mentioned Section, shall be taken to mean or refer to the present Act. Extension to this Act of general Powers of Board.

20. This Act may be cited as The Metropolis Improvement Act, 1863. Short Title.

21. All the Costs, Charges, and Expenses of and incidental and preliminary to the obtaining of this Act, or incurred by the Board in relation thereto, shall be paid out of the Thames Embankment and Metropolis Improvement Fund; and the Commissioners of Her Majesty's Treasury shall apply such Sums as may be necessary for this Purpose accordingly, out of the Money forming Part of that Fund at the passing of this Act. Costs of Act.

Thames Embankment (North Side).

A

BILL

For making a new Street from Blackfriars to the Mansion House in the City of London in connection with the Embankment of the River Thames on the Northern Side of that River; and for other Purposes.

(*Prepared and brought in by Mr. Cowper and Mr. Peel.*)

Ordered, by The House of Commons, *to be Printed,* 16 *February* 1863.

[Bill 23.]

Under 2 oz.

Thames Embankment (North Side) Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preamble recites 25 & 26 Vict. c. 93. and 24 & 25 Vict. c. 42.

Works.

Power to Board to make new Street; Sect. 1.
Works connected with new Street; 2.
Clause A.—As to widening Bennett's Hill and Queen Street, Cheapside; 3.
Power to deviate; 4.
Clause B.—Proviso as to vertical Deviation; 5.
Clause C.—Provision where there are concurrent Powers of Purchase of Lands; 6.
Alteration of Pipes; 7.
Power to make Sub-way; its Maintenance; 8.
Power to set out Footway; 9.
Ground laid open into new Street to form Part thereof; Street to be under Commissioners of Sewers; 10.

Lands.

Power for Board to take Lands; 11.
Incorporation of Sections 23, 24, and 40 of Act of 1862; 12.
Power to Board to purchase and extinguish Easements; 13.
Clause D.—As to Interference with Sewers; 14.
Custody of deposited Plans; 15.
Limit of Time for compulsory Purchase; 16.
Clause E.—To protect the Equitable Assurance Company; 17.
Clause F.—As to Principal Probate Registry and Probate Court; 18.
Incorporation of Sections 32 to 38 of Act of 1862; 19.

Money.

Power to Board to borrow for Purposes of this Act and of the Act of 1862 jointly; 20.
Appropriation of Improvement Fund; 21.

Miscellaneous.

Determination in case of disputed Compensation; 22.
Questions of disputed Compensation, where Juries required, to be determined in Lord Mayor's Court; 23.
Incorporation of Sections 50 to 52 of Act of 1862; 24.
Extension to this Act of general Powers of Board; 25.
Clause G.—Saving Rights of Commissioners of Sewers; 26.
Short Title; 27.
Costs of Act; 28.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

FOR

Making a new Street from Blackfriars to the Mansion House in the City of London in connection with the Embankment of the River Thames on the Northern Side of that River; and for other Purposes.

Preamble. 25 & 26 Vict. c. 93.

WHEREAS by The Thames Embankment Act, 1862, herein-after called the Embankment Act of 1862, the Metropolitan Board of Works, herein-after called the Board, are authorized to make an Embankment on the Left Bank of the Thames from Westminster Bridge to the Eastern Boundary of the Inner Temple, and a Viaduct thence to Blackfriars Bridge, with a public Roadway on the Embankment and on the Viaduct:

And whereas, for the Purpose of improving the Metropolis and of providing a convenient Communication for Traffic to the Eastward of the said Roadway, it is expedient that the Board should also be authorized to make, in continuation of the said Roadway, the new Street in the City of London herein-after described:

24 & 25 Vict. c. 42.

And whereas by The London Coal and Wine Duties Continuance Act, 1861, a Fund, called the Thames Embankment and Metropolis Improvement Fund, was established out of the Proceeds of certain

local Coal and Wine Duties thereby continued until the Fifth Day of July One thousand eight hundred and seventy-two, and was thereby directed to be applied to the Improvement of the Metropolis in such Manner as might thereafter be determined by Parliament:

And whereas by the Embankment Act of 1862 the Expenses of the said Embankment on the Left Bank were charged upon the said Improvement Fund, subject to certain prior Charges thereon; and it is expedient that the Expenses of the said intended new Street should likewise be charged on that Fund:

And whereas the Objects of the present Act cannot be effected without the Authority of Parliament:

And whereas Plans and Sections of the intended new Street, and Works connected therewith, showing the proposed Situation, Lines, and Levels thereof, and the Lands intended to be or which may be taken for the Purposes thereof, and a Book of Reference to the same Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the same Lands, have been deposited at the Office of the Clerk of the Peace for the City of London, and the same are herein-after referred to as the deposited Plans, Sections, and Book of Reference:

May it therefore please YOUR MAJESTY

That it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Works.

Power to Board to make new Street.

1. The Board may, in the Situation and Line, and according to the Levels, and within the Limits of Deviation, and on the Lands, defined in the deposited Plans, Sections, and Book of Reference, make the Street herein-after described; namely,—

A Street commencing in the Precincts of Whitefriars and Bridewell, and Parishes of Saint Bridget otherwise Saint Bride, and Saint Ann Blackfriars, or some or One of them, in the City of London, in or out of New Bridge Street, at or near the Portion of New Bridge Street called Chatham Place, and terminating in the Parishes of Saint Mary Woolchurch Haw and Saint Mildred Poultry, or One of them, in the City of London,

don, at or in the Streets called the Poultry, Mansion House Street, and Charlotte Row, in the City of London, at or near the Mansion House:

which is herein-after referred to as the new Street.

Works connected with new Street.

2. Subject to the Provisions of this Act, and in accordance with the deposited Plans, or within the Limits thereon defined, the Board, in connection with the new Street, and as Part of the Works by this Act authorized, herein-after referred to as the Works, and for the Purposes thereof, may make Junctions and Communications with any existing Streets which may be intersected or interfered with by or be contiguous to the new Street, and may make Diversions, Widenings, or Alterations of Lines or Levels of any existing Streets, for the Purpose of connecting the same with the new Street, or of crossing under or over the same, or otherwise, and may remove, destroy, alter, divert, stop up, inclose, use, or appropriate all or any Part of any Street, Square, Place, Court, Alley, or Passage, whether a Thoroughfare or not, or of any Thoroughfare, Road, Lane, or Way, or of any Stream, Drain, Sewer, Watercourse, void Ground or other Property, within the Limits of lateral Deviation defined on the deposited Plans, the Board providing a proper Substitute before interrupting the Flow of Sewage in any Drain or Sewer.

Clause A. As to widening Bennett's Hill and Queen Street, Cheapside.

3. The Board shall widen the Street called Bennett's Hill, so that the same may, at its Junction with the new Street, and to the Extent of the Property purchased by the Board abutting on Bennett's Hill, be of the Width of Thirty-five Feet at the least; and the Board shall also widen the Street called Queen Street, Cheapside, so that such Street may, to the Extent of the Property purchased by the Board abutting on that Street, be of the Width of Thirty-five Feet at the least.

Power to deviate.

4. In making the new Street the Board may deviate to any Extent not exceeding Five Feet from the Levels defined on the deposited Sections, and may deviate from the Line of the new Street within the Limits of Deviation defined on the deposited Plans, but the Board shall not deviate beyond the last-mentioned Limits, without the Consent of the Person or Body through whose Lands any such Deviation is made.

Clause B. Proviso as to vertical Deviation.

5. Where the new Street will pass under the Line of Railway No. 2 (City Section) authorized by the London, Chatham, and Dover Railway (Metropolitan Extension) Act, 1860, or any other

Railway which Parliament may in the present Session authorize to be made in lieu of that Line, the Board shall not, in making the new Street, deviate upwards from the Levels thereof shown on the deposited Section.

CLAUSE C. Provision where there are concurrent Powers of Purchase of Lands.

6. In any Case in which the Board under this Act, and any Company or Companies from Time to Time authorized to construct such Railway as aforesaid, have concurrent Powers for the Purchase of Lands, those Powers shall not be exercised by either Party until after Seven Days Notice in Writing of the Intention to exercise such Powers has been given to the other Party; and if within Seven Days after such Notice the Party to whom Notice is given shall object to the Exercise of such Powers by the other, then as to the Lands referred to in the Notice neither of those Parties shall exercise any Powers of Purchase until it has been referred to the Board of Trade to decide whether any, and if so what, Portion of such Lands are to be purchased by each or either of them; and the Board of Trade shall, on the Application of either Party, forthwith decide, or appoint an Arbitrator to decide, any such Question in such Manner as may appear to the Board of Trade or to such Arbitrator to be most expedient with a view of enabling both Parties to execute their respective Undertakings as authorized.

Alteration of Pipes.

7. In making the new Street and Works the Board may raise, sink, or otherwise alter the Position of any Watercourse, Water Pipe, or Gas Pipe belonging to or connected with any House or Building adjoining or near to the new Street or Works, and also any Main or other Pipe laid down or used by any Company for carrying a Supply of Water or Gas, and also any Pipe, Tube, Wire, or Apparatus laid down for telegraphic or other Purposes, and may remove any other Obstruction, causing as little Detriment and Inconvenience as Circumstances admit to any Company, Person, or Body, and making reasonable Compensation to any Person who suffers Damage by any such Alteration.

Power to make Sub-way.

8. The Board may make under the new Street an arched Passage or covered Way, herein-after called the Sub-way, for such Purposes as they think fit, with all Communications, Works, and Things necessary or proper for the convenient Use thereof; and the same Sub-way, Communications, Works, and Things shall be deemed Part of the Works authorized by this Act, and the same shall (notwithstanding anything herein contained) belong to and be vested in the Board, and shall be maintained and repaired by the Board in manner provided by Section Twenty-two of the Embankment Act of 1862, respecting the Embankment

Sub-way to be maintained and repaired by Board.

Embankment therein mentioned; and the Board may permit the Use of the Sub-way for the Purpose of the laying down of Gas or Water Pipes, or Telegraphic Wires, or for any other like Works or Purpose, on such Terms and Conditions and for such Period as the Board and any Company or Person may mutually agree; and the Board may sell, convey, or demise any Right to any Company or Person for any of the Purposes aforesaid, and may make such Stipulations for preventing Injury to the adjoining Property, and for the Security of the Public, as the Board think proper, and may agree to refer to Arbitration any Matter in difference under the present Provision.

Power to set out Footway.

9. The Board may cause such Part of the new Street to be laid out for Carriageway, and such Part thereof for Footway, as they think proper.

Ground laid open into new Street to form Part thereof; Street to be under Commissioners of Sewers.

10. When the new Street is completed, of which Completion a Certificate, signed by the Chairman of the Board, and delivered to the Clerk of the Commissioners of Sewers for the City of London, shall be for all Purposes conclusive Evidence, all the Ground laid open into the new Street shall be deemed to form Part thereof, and may be used by the Public accordingly; and thenceforth the new Street, with the sole Power, Authority, and Duty of paving, repairing, cleansing, lighting, and watching the same, and of rating Hereditaments within the same, shall be under the Care, Management, Control, and Jurisdiction of the said Commissioners of Sewers.

Lands.

Power for Board to take Lands.

11. The Board may enter upon, take, and use, for the Purposes of this Act, any of the Lands defined in the deposited Plans and Book of Reference; and The Lands Clauses Consolidation Act, 1845, with the Exception of Sections Thirty-four and Ninety-two, (relating to the Costs of Arbitrations, and to the taking of Parts of Buildings, and to Matters connected therewith respectively), and The Lands Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Act; and for the Purposes of this Act anything by the last-mentioned Acts, or either of them, required or authorized to be done by Two Justices, shall or may be done by Two Aldermen of the City of London acting together, or by the Lord Mayor or the Recorder of the said City acting alone.

Incorporation of Sections 23, 24, and 40 of Act of 1862.

12. There shall be incorporated with this Act Sections Twenty-three, Twenty-four, and Forty of the Embankment Act of 1862 (relating to the taking of Parts of Lands, and to the Correction of any Errors in the Book of Reference, and to the Costs of Arbitrations, and

and to Matters connected therewith respectively); and for this Purpose the Term "this Act," and Terms of Reference thereto, used in any of the Sections last enumerated, shall be taken to mean or refer to the present Act.

Power to Board to purchase and extinguish Easements.

13. The Board may purchase any Easement which they may require to extinguish for the Purposes of this Act; and for the Purposes of every such Purchase the Term "Lands" in the said Lands Clauses Consolidation Act, shall be deemed to include Easements.

Clause D. As to Interference with Sewers.

14. If the Board, in the Course of the Construction of the Works hereby authorized, shall interrupt the Course of any Main or other Sewer or Drain, or the Flow of Sewage therefrom, the Board shall, until the Low Level Sewer is available, provide a proper and sufficient Substitute before the Flow of Sewage in any such Sewer or Drain is so interrupted.

Custody of deposited Plans.

15. Until the Completion of the Works, the deposited Plans, Sections, and Book of Reference shall remain in the Office in which they are deposited, and all Persons may at all reasonable Times inspect the same at their Pleasure, paying One Shilling for each Inspection.

Limit of Time for compulsory Purchase.

16. The Powers of the Board for the compulsory Purchase of Lands under this Act shall not be exercised after the Expiration of Five Years from the passing of this Act.

Clause E. To protect the Equitable Assurance Company.

17. The Board shall not enter upon the Office of the Equitable Assurance Society until the Expiration of Six Calendar Months after the Time of giving Notice by the Board of their Intention to take the same.

Clause F. As to Principal Probate Registry and Probate Court.

18. Notwithstanding anything in this Act contained, it shall not be lawful for the Board to take, use, or in any Manner interfere with any Property forming Part of or used or occupied for the Purposes of or in connexion with Her Majesty's Court of Probate and Court for Divorce and Matrimonial Causes, or the Principal Registry of the said Court of Probate, or any Office connected with the said Courts or Registry respectively, or which the Commissioners of Her Majesty's Works and Public Buildings have purchased or hired, or are authorized to purchase or hire, for the Purposes of the said Courts or Registry respectively, without the Consent in Writing of the Commissioners of Her Majesty's Treasury first had and obtained, which Consent the said Commissioners are hereby authorized to give on such

such Terms and subject to such Conditions as they may think fit to prescribe.

19. There shall be incorporated with this Act Sections Thirty-two to Thirty-eight (both inclusive) of the Embankment Act of 1862 (relating to Leases and Sales of Land by the Board, and to the Application of Money arising therefrom, and to Matters connected therewith respectively); and for this Purpose the Term "this Act," and Terms of Reference thereto, used in any of the Sections last enumerated, shall be taken to mean or refer to the present Act. Incorporation of Sections 32 to 38 of Act of 1862.

Money.

20. The Powers of borrowing Money vested in the Board under the Embankment Act of 1862, and the Provisions of that Act relating thereto, shall be deemed to extend and apply to this Act; and the Board may, under those Powers, borrow, on the Security of the Thames Embankment and Metropolis Improvement Fund, Money to the Extent of Two Million Pounds, instead of to the Extent only of One million Pounds; and the Board shall apply all Money so borrowed for the Purposes of the Undertakings authorized by the Embankment Act of 1862, and this Act, or either of them; but nothing in this Act shall affect the Security of any Person or Body who has before the passing of this Act lent any Money to the Board in pursuance of the Embankment Act of 1862; and Lands or Property acquired by the Board under the Embankment Act of 1862, or this Act, may be made, either with the said Improvement Fund or alone, a Security for any Money so borrowed. Power to Board to borrow for Purposes of this Act and of the Act of 1862 jointly.

21. Notwithstanding anything in the Embankment Act of 1862 contained (and subject to the Provision herein-after contained for Payment of the Costs, Charges, and Expenses of and incidental and preliminary to the obtaining of this Act, or incurred by the Board in relation thereto), all Money forming Part of the Thames Embankment and Metropolis Improvement Fund at the passing of this Act, or becoming Part of that Fund after the passing of this Act, shall be paid by the Commissioners of Her Majesty's Treasury to the Board as the Board may by Writing under their Seal require, and shall be applied by the Board as follows:— Appropriation of Improvement Fund.

First, in satisfying all Charges on the said Improvement Fund created under the Embankment Act of 1862 before the passing of this Act:

Secondly, in satisfying all Charges thereon to be created under this Act:

Thirdly, in paying the Expenses from Time to Time incurred in respect of the Undertakings authorized by the Embankment Act of 1862, and this Act, or either of them:

Lastly, in the Improvement of the Metropolis in such Manner as may hereafter be determined by Parliament.

Miscellaneous.

Determination in case of disputed Compensation.

22. The Amount and Application of any Compensation payable by the Board in any Case under this Act shall be determined in the Manner provided by The Lands Clauses Consolidation Act, 1845, for Determination of the Amount and Application of Compensation for Lands taken or injuriously affected under that Act, subject nevertheless to the Provisions of the next following Section.

Questions of disputed Compensation, where Juries required, to be determined in Lord Mayor's Court.

23. Where any Question of disputed Compensation under this Act is required to be determined by the Verdict of a Jury, the Jury shall be required to appear before the Court of the Mayor and Aldermen of the City of London to be holden in the Outer Chamber of the Guildhall of the said City, according to the Custom of the said City, at a Time to be appointed by the said Court; and all the Provisions of The Lands Clauses Consolidation Act, 1845, with respect to the Settlement of Questions of disputed Compensation by Juries, appearing before the Sheriff, Coroner, or other Person, shall extend and be applied with respect to the Settlement of any such Question of disputed Compensation under this Act by Juries appearing before the said Court; and the said Court shall give Judgment for the Purchase Money or Compensation assessed by such Jury; and a Verdict and Judgment shall be signed by the Registrar of the said Court, and entered among the Records of the said Court; and the said Registrar shall settle the Costs of every such Inquiry.

Incorporation of Sections 50 to 52 of Act of 1862.

24. There shall be incorporated with this Act Sections Fifty, Fifty-one, and Fifty-two of the Embankment Act of 1862 (relating to the Application of Penalties, and to Actions, and to Matters connected therewith respectively); and for this Purpose the Term "this Act," and Terms of Reference thereto, used in any of the Sections last enumerated, shall be taken to mean or refer to the present Act.

Extension to this Act of general Powers of Board.

25. The Board shall have and may exercise, for and in the Execution of this Act, all such Powers, Privileges, and Authorities as are conferred on the Board by the Acts constituting and regulating the Board (save that the Board shall not apply any Money raised under those Acts in or towards the Construction or Execution of any Work authorized by this Act), and, as far as may be, the Provisions of those Acts shall apply for the Purposes and in the Execution of this Act;

Act; and there shall be incorporated with this Act Section Seven of the Embankment Act of 1862 (relating to a Committee of the Board); and for this Purpose the Term "this Act," and Words of Reference thereto, used in the last-mentioned Section, shall be taken to mean or refer to the present Act.

CLAUSE G. Saving Rights of Commissioners of Sewers.

26. Nothing in this Act contained shall in any manner prejudice or affect any of the Powers of the Commissioners of Sewers of the City of London further than may be necessary for effecting the Works by this Act authorized; and any Expense which such Commissioners may incur in making any additional Sewers or Drains, or altering any existing Sewers or Drains (not being Main Drains), in consequence of the Removal, Destruction, Alteration, or Diversion or stopping up any existing Sewers or Drains, shall be repaid to them by the Board.

Short Title.

27. This Act may be cited as The Metropolis Improvement Act, 1863.

Costs of Act.

28. All the Costs, Charges, and Expenses of and incidental and preliminary to the obtaining of this Act, or incurred by the Board in relation thereto, shall be paid out of the Thames Embankment and Metropolis Improvement Fund; and the Commissioners of Her Majesty's Treasury shall apply such Sums as may be necessary for this Purpose accordingly, out of the Money forming Part of that Fund at the passing of this Act.

Thames Embankment (North Side).

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

For making a new Street from Blackfriars to the Mansion House in the City of London in connection with the Embankment of the River Thames on the Northern Side of that River; and for other Purposes.

(*Prepared and brought in by Mr. Cowper and Mr. Peel.*)

Ordered, by The House of Commons, *to be Printed,* 28 *April* 1863.

[Bill 94.]

Under 2 oz.

LORDS AMENDMENTS

TO THE

THAMES EMBANKMENT (NORTH SIDE) BILL.

Note.—*The Page and Line refer to the Bill* (107.) *as printed by the Lords.*

Page 3. Line 29. Leave out ("Thirty-five") and insert ("Fifty").

Page 4. Line 21. After ("authorized") insert Clause A.

("The Works of the Board and of the Mayor, Aldermen, and Commons of the City of London, at the Junction of the new Street with the Approach to the new Blackfriars Bridge to be made under the Blackfriars Bridge Act, 1863, shall be settled by the Engineers of the Board and of the said Mayor, Aldermen, and Commons, or, in case of Dispute between them, by some competent Person to be appointed by the Board of Trade on the Application of the Board or of the Mayor, Aldermen, and Commons.")

Page 5. Line 23. After ("cleansing") insert ("and") and leave out ("and watching"), and after the second ("and") insert ("for those Purposes").

Page 7. Line 9. After ("Act") insert Clause B.

("Before the Board sell any superfluous Lands adjoining any public Street under the Control of the Commissioners of Sewers, the Board shall give Notice to such Commissioners, and such Commissioners may, within Two Months after such Notice, require the Board to sell to them such Quantity of Land as may be necessary for widening any such Street to a Width not exceeding Thirty-five Feet; and the Provisions of the Thirty-fifth Section of the Embankment Act of 1862 shall not extend to any such Lands in respect of which such Requisition may be made by the said Commissioners; and the Price shall, in case of Dispute, be settled in manner provided by the Thirty-sixth Section of such Act.")

LORDS AMENDMENTS

TO THE

THAMES EMBANKMENT (NORTH SIDE) BILL.

Ordered, by The House of Commons, *to be Printed,*
30 *June* 1863.

[Bill 196.]

Under 1 *oz.*

Thames Embankment (South Side) Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Works.

Power to make Works according to deposited Plans.—Works authorized; Sect 1.

Auxiliary Works; 2.

Power for Board to construct or provide Barge Beds, &c.; 3.

Power to deviate; 4.

Incorporation of Sections 16 and 19 to 22 of Act of 1862; 5.

Board empowered to take Places for depositing Materials; 6.

Other Works to be approved of by the Board of Trade; 7.

Alteration of Position of Gas and other Pipes; 8.

Power to set out Footways; 9.

Ground laid open into Streets to form Part thereof; Streets to be under Management of Vestries, &c.; 10.

Lands.

Power of Board to take Lands; 11.

Incorporation of Sections 23, 24, and 40 of the Act of 1862; 12.

Purchase and Extinguishment of Easements; 13.

Custody of deposited Plans; 14.

Limit of Time for compulsory Purchase; 15.

Incorporation of Sections 27 and 32 to 38 of Act of 1862; 16.

Enabling the making of Grants of Lands and Hereditaments on the Part of the Duchy of Cornwall; 17.

Money.

Power to Board to borrow for Purposes of this Act; 18.

Lands taken under this Act may be given as Security; 19.

Appropriation of Residue of Improvement Fund, after providing for Cost of Left Bank Embankment and of new Street from Blackfriars to Mansion House; 20.

Miscellaneous.

Determination in case of disputed Compensation; 21.
Incorporation of Sections 48 to 52 of Act of 1862; 22.
Extension to this Act of general Powers of Board; 23.
Saving for Rights of Duchy of Cornwall; 24.
Saving for Rights of Commissioners of Works, &c.; 25.
Short Title; 26.
Costs of Act; 27.

A

B I L L

FOR

The Embankment of Part of the River Thames, on the South Side thereof, in the Parish of Saint Mary, Lambeth, and for other Purposes.

WHEREAS by The Thames Embankment Act, 1862, herein-after called the Embankment Act of 1862, the Metropolitan Board of Works, herein-after called the Board, were authorized to make (among other things) an Embankment on the Left Bank of the Thames, from Westminster Bridge to the Eastern Boundary of the Inner Temple, with a public Roadway thereon: Preamble. 25 & 26 Vict. c. 93.

And whereas by The London Coal and Wine Duties Continuance Act, 1861, a Fund, called the Thames Embankment and Metropolis Improvement Fund, was established out of the Proceeds of certain Local Coal and Wine Duties thereby to be continued until the Fifth Day of July One thousand eight hundred and seventy-two, and was thereby directed to be applied to the Improvement of the Metropolis, in such Manner as might thereafter be determined by Parliament: 24 & 25 Vict. c. 42.

And whereas by the Embankment Act of 1862 the Expenses of the Undertaking by that Act authorized were charged upon the said Improvement Fund, subject to certain prior Charges thereon:

And whereas another Bill has been introduced into Parliament in the present Session, to provide a convenient Communication for Traffic in connection with the Embankment on the Left Bank, by making a New Street from Blackfriars to the Mansion House, and charging the said Improvement Fund with the Expenses of that Undertaking:

And whereas it is expedient that the Board should also be authorized to make an Embankment on Part of the Right Bank of the Thames in the Parish of Saint Mary, Lambeth, with a public Roadway thereon, and new Streets or Approaches communicating with such Roadway: And it is expedient that, subject to and after paying for all the Expenses of completing the Undertakings authorized by the Embankment Act of 1862, and by the said Bill for a New Street, the Expenses of the said intended Embankment on the Right Bank, and the Works connected therewith, should likewise be charged on the said Improvement Fund:

And whereas a Bill has been introduced into Parliament in the present Session with the Short Title of The London Coal and Wine Duties Continuance Act, 1863, whereby (among other things) the Duties constituting the said Improvement Fund are proposed to be continued for a further Period of Ten Years from the Fifth Day of July One thousand eight hundred and seventy-two, and to be carried over to the same Fund:

And whereas the Objects of the present Act cannot be effected without the Authority of Parliament:

And whereas Plans and Sections of the intended Embankment, new Streets, and Approaches, showing the proposed Situation, Lines, and Levels thereof, and the Lands intended to be or which may be taken for the Purposes thereof, and a Book of Reference to the same Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the same Lands, have been deposited at the Office of the Clerk of the Peace for the County of Surrey, and the same are herein-after referred to as the deposited Plans, Sections, and Book of Reference:

May it therefore please YOUR MAJESTY

That it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Works.

Power to make Works according to

1. The Board may, in the Situations and Lines, and according to the Levels, and within the Limits of Deviation, and on the Lands, defined

defined in the deposited Plans, Sections, and Book of Reference, make and execute the Embankment and Works herein-after described; namely,— deposited Plans.

(1.) An Enlargement of the Bed of the River Thames, by an Excavation of the Land, and Removal of the Wharf Walls and Premises from or near Gunhouse Alley near to the London Gasworks to or near Broad Street, all in the Parish of Lambeth: Works authorized.

(2.) An Embankment on the Right Bank of the Thames in the Parish of Saint Mary, Lambeth, commencing at or near Gunhouse Alley, and ending at or near Bishop's Walk:

(3.) A Viaduct commencing at or near Bishop's Walk in the Parish of Saint Mary, Lambeth, and ending at the Southern Side of the Eastern Abutment of Westminster Bridge:

(4.) A new Street, to be wholly situate in the Parish of Lambeth, commencing at or near the Southern End of Palace New Road, and terminating at Bishop's Walk:

(5.) A new Street, to be wholly situate in the Parish of Lambeth, commencing in and out of the Roadway on the before-mentioned intended Embankment, and terminating at or near Vauxhall Row:

(6.) The reclaiming or inclosing of a Portion of the Bed or Foreshore of the River Thames.

2. In and for the Purpose of making and executing the Embankment and Works aforesaid, the Board may inclose and fill up the Shore and Bed of the Thames to the Extent defined on the deposited Plans, and also any such further Parts thereof as may be required by the Board for constructing any Barge Beds, Recesses, Stairs, Piers, Landing Places, Hards, or other Works under the Powers of this Act, and also may remove, destroy, alter, divert, stop up, inclose, use, or appropriate all or any Part of any Street, Square, Place, Court, Alley, or Passage, whether a Thoroughfare or not, or of any Thoroughfare, Road, Lane, or Way, or of any Stream, Drain, Sewer, Watercourse, void Ground, Wharf, Jetty, Quay, Barge Bed, Stair, Pier, Landing Place, Hard, Mooring Post or Ring, Post, Pile, or other Property which in the Judgment of the Board is necessary to be so dealt with for the Purposes of this Act, the Board providing a proper Substitute before interrupting the Flow of Sewage in any Drain or Sewer. Auxiliary Works.

3. For the Purpose of diminishing so far as practicable Inconvenience to the Wharfingers, Warehousemen and others having Wharfs or Premises on the Line of the Embankment, or having Rights of Way, Power for Board to construct or provide Barge Beds, &c.

Way, Easements, or other Access to the River, the Board may construct or provide, and afterwards maintain, alter, or improve, all such Barge Beds, Receptacles, Recesses, Cuts, and Basins, and all such other Conveniences for loading and unloading Goods from Barges, Lighters, and Boats, with Entrances or Passages or Means of Access to and from the Thames under the Embankment, and all such Slips, Hards, Landing-places, Jetties, Wharves, Yards, Approaches, and other Conveniences and Works connected therewith as the Board may think proper, for the Accommodation and Use of Wharfingers, Warehousemen, and other Persons carrying on Trade or Business in the Neighbourhood of the Embankment, and may set apart and appropriate for the Purposes of the present Section any Land acquired or reclaimed by the Board under this Act, and may enter into and carry into effect such Agreements as the Board thinks fit with any Wharfingers, Warehousemen, and other Persons, with reference to the Construction, providing, Maintenance, Alteration, Improvement, or Use of any such Work or Convenience as aforesaid.

Power to deviate.

4. In carrying the Works and Improvements by this Act authorized into execution, the Board may deviate to any Extent not exceeding *Five* Feet from the Levels defined on the deposited Sections, and shall not deviate beyond the Limits of Deviation defined on the deposited Plans without the Consent of the Person or Body through whose Lands any such Deviation is made, nor carry the Line of the Embankment Wall, as defined on the deposited Plans, further into the Stream of the Thames than *Ten* Feet, without the Consent of the Conservators of the Thames, signified in Writing under the Hand of their Secretary: Provided always, that the Board shall not be authorized, under the Powers of this Act, to take any of the Lands and Buildings situate between New Bridge Street, High Street, the River Thames, and Lacks Dock, and the Approach to such Dock from High Street, although such Lands and Buildings are delineated on the deposited Plans.

Incorporation of Sections 16 and 19 to 22 of Act of 1862.

5. There shall be incorporated with this Act Sections Sixteen, Nineteen, Twenty, Twenty-one, and Twenty-two of the Embankment Act of 1862 (relating to the raising of Materials from the Bed of the Thames, and to the Approval of Plans and Elevations by the Conservators, and to the Exhibition of Lights during the Construction of the Works, and to the Substitution of Piers and other Conveniences, and to the Maintenance and Repair of the Embankment, and to Matters connected therewith repectively); and for this Purpose the respective Terms "this Act" and "the said Embankment," and Terms of Reference thereto respectively, used in any of the Sections last enumerated, shall be taken to mean or refer to the present Act and the Embankment by the present Act authorized.

6. The

Board empowered to take Places for depositing Materials.

6. The Board may take on Lease or agree for the Use and Occupation of proper Places on any Part of the South Bank of the Thames between Westminster Bridge and Vauxhall Bridge, or within *Five hundred* Yards of the Site of the Embankment by this Act authorized, for the Purpose of depositing and working Stone, Iron, Timber, and other Materials for constructing and completing the said Embankment and Roadway.

Other Works to be approved of by the Board of Trade.

7. No Works, other than those necessary for the Completion of the Works expressly authorized by this Act, upon the Bed or Shore of the Thames below High-water Mark, which may affect the Navigation of that River, shall at any Time be commenced or executed, under the Provisions of this Act, without the same having been previously approved of by the Board of Trade, such Approval to be from Time to Time signified in Writing under the Hand of the Secretary to the Board of Trade.

Alteration of Position of Gas and other Pipes.

8. The Board may, for the Purpose of making any Work by this Act authorized, raise, sink, or otherwise alter the Position of any Watercourse, Water Pipe, or Gas Pipe belonging to or connected with any House or Building adjoining or near to such Work, and also any Main or other Pipe laid down or used by any Company for carrying a Supply of Water or Gas, and also any Pipe, Tube, Wire, or Apparatus laid down for Telegraphic or other Purposes, and may remove any other Obstruction, causing as little Detriment and Inconvenience as Circumstances admit to any Company, Person, or Body, and making reasonable Compensation to any Person who suffers Damage by any such Alteration.

Power to set out Footways.

9. The Board may cause such Parts of the Roadway, inclosed Ground, and Streets aforesaid respectively, to be laid out for Carriageways, and such Part thereof for Footways, as they think proper.

Ground laid open into Streets to form Part thereof.

Streets to be under Management of Vestries, &c.

10. When the Roadway, new Streets, and Approaches aforesaid respectively are completed, of which Completion a Certificate signed by the Chairman of the Board, and delivered to the Clerk of the Peace for the County of Surrey, shall be for all Purposes conclusive Evidence, all the Ground laid open into the same respectively shall be deemed to form Part thereof respectively, and may be used by the Public accordingly; and thenceforth the same Roadway, new Streets, and Approaches, with the sole Power, Authority, and Duty of paving, repairing, cleansing, lighting, and watching the same, and of rating Hereditaments within the same respectively, shall be under the Care, Management, Control, and Jurisdiction of the same Vestries, Board,

District Boards, Commissioners, or Persons as the other Streets in the Parishes, Districts, or Places in which the same respectively are situate.

Lands.

Power of Board to take Lands.

11. The Board may enter upon, take, and use for the Purposes of this Act any of the Lands defined in the deposited Plans and Book of Reference; and The Lands Clauses Consolidation Act, 1845, with the Exception of Sections Thirty-four and Ninety-two (relating to the Costs of Arbitrations, and to the taking of Parts of Buildings, and to Matters connected therewith respectively), and The Lands Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Act.

Incorporation of Sections 23, 24, and 40 of the Act of 1862.

12. There shall be incorporated with this Act Sections Twenty-three, Twenty-four, and Forty of the Embankment Act of 1862 (relating to the taking of Parts of Lands, and to the Correction of any Errors in the Book of Reference, and to the Costs of Arbitrations, and to Matters connected therewith respectively); and for this Purpose the Term "this Act," and Terms of Reference thereto, used in any of the Sections last enumerated, shall be taken to mean or refer to the present Act; and the said Section Twenty-four shall be read as if the Word "Surrey" were therein substituted for the Word "Middlesex."

Purchase and Extinguishment of Easements.

13. The Board may purchase any Easement which they may require to extinguish for the Purposes of this Act; and for the Purposes of every such Purchase the Term "Lands" in the said Lands Clauses Consolidation Act shall be deemed to include Easements.

Custody of deposited Plans.

14. Until the Completion of the Works the deposited Plans, Sections, and Book of Reference shall remain in the Office in which they are deposited; and all Persons may at all reasonable Times inspect the same at their Pleasure, paying *One Shilling* for each Inspection.

Limit of Time for compulsory Purchase.

15. The Powers of the Board for the compulsory Purchase of Lands under this Act shall not be exercised after the Expiration of *Seven* Years from the passing of this Act.

Incorporation of Sections 27 and 32 to 38 of Act of 1862.

16. There shall be incorporated with this Act Sections Twenty-seven and Sections Thirty-two to Thirty-eight (both inclusive) of the Embankment Act of 1862 (relating to Appropriation by the Board in respect of Loss of River Frontage, and to Leases and Sales

Sales by the Board, and to the Application of Money arising therefrom, and to Matters connected therewith respectively); and for this Purpose the Term "this Act," and Words of Reference thereto, used in any of the Sections last enumerated, shall be taken to mean or refer to the present Act; and the said Section Twenty-seven shall be read as if the Words "Right Bank" were therein substituted for the Words "Left Bank."

Enabling the making of Grants of Lands and Hereditaments on the Part of the Duchy of Cornwall.

17. For enabling the Board to obtain an effectual Assurance of such Lands defined in the deposited Plans and Book of Reference, being Parcel of the Possessions of the Duchy of Cornwall, as are required for the Works authorized by this Act, or which the Board may be required to purchase,—the Duke of Cornwall for the Time being, or any Three or more of the Council (if any) of the Duke of Cornwall for the Time being, or of the Special Commissioners or other Persons for the Time being having the general Superintendence and Management of the Revenues and Affairs of the said Duchy, may, as Occasion requires, by Deed, under the Privy Seal of the Duke of Cornwall while the said Duchy is held separately from the Crown, and under the Hands and Seals of such Three or more Commissioners or other Persons while the same is not held separately from the Crown, (such Deed to be enrolled by the Keeper for the Time being of the Records of the said Duchy), exercise the like Powers of Sale and Enfranchisement as were vested in the Council of His Royal Highness Albert Edward Prince of Wales and Duke of Cornwall by the Act of the Session of the Seventh and Eighth Years of Her Majesty, "to enable the Council of His Royal Highness "Albert Edward Prince of Wales to sell and exchange Lands and "enfranchise Copyholds, Parcel of the Possessions of the Duchy "of Cornwall, to purchase other Lands, and for other Purposes;" and the Proceeds of any Sale or Enfranchisement made in pursuance of this present Provision shall from Time to Time be invested and dealt with in like Manner as by that Act is authorized or directed with respect to the Proceeds of Sales and Enfranchisements made under that Act.

7 & 8 Vict. c. 65.

Money.

Power to Board to borrow for Purposes of this Act.

18. In the Manner and subject to the Provisions and on the Security in and subject to and on which the Board are authorized to borrow Money by the Embankment Act of 1862, but subject to the Charges thereby created or authorized to be created, the Board may borrow Money to the Extent of *Five hundred and eighty Pounds;* and the Board shall apply all Money borrowed in pursuance of this Act for the Purposes of the Undertaking authorized by this Act.

Lands taken under this Act may be given as Security.

19. Any Lands or Property acquired by the Board under this Act may be made Security for any Money borrowed in pursuance of this Act, either together with the Thames Embankment and Metropolis Improvement Fund or separately, as may be agreed on between the Board and any Person or Body lending Money in pursuance of this Act.

Appropriation of Residue of Improvement Fund, after providing for Cost of Left Bank Embankment, and of new Street from Blackfriars to Mansion House.

20. Subject to the Provisions of the Embankment Act of 1862 and of The Thames Embankment (North Side) Act, 1863, and to the Provision herein-after contained for Payment of the Costs, Charges, and Expenses of and incidental and preliminary to the obtaining of this Act or incurred by the Board in relation thereto, all Money becoming Part of the Thames Embankment and Metropolis Improvement Fund after the passing of this Act, shall be paid by the Commissioners of Her Majesty's Treasury to the Board in such Proportions as the Board may from Time to Time by Writing under their Seal require, and shall be applied by the Board as follows:

First, in satisfying all Charges on the said Improvement Fund created under this Act:

Secondly, in paying the Expenses from Time to Time incurred in respect of the Undertaking authorized by this Act:

Lastly, in the Improvement of the Metropolis in such Manner as may hereafter be determined by Parliament.

Miscellaneous.

Determination in case of disputed Compensation.

21. The Amount and Application of any Compensation payable by the Board in any Case under this Act shall be determined in the Manner provided by The Lands Clauses Consolidation Act, 1845, for Determination of the Amount and Application of Compensation for Lands taken under that Act.

Incorporation of Sections 48 to 52 of Act of 1862.

22. There shall be incorporated with this Act Sections Forty-eight to Fifty-two (both inclusive) of the Embankment Act of 1862, (relating to Liability of Owners of Vessels and others, and to the Application of Penalties, and to Actions, and to Matters connected therewith respectively); and for this Purpose the respective Terms "this Act" and "the said Embankment," and Terms of Reference thereto respectively, used in any of the Sections last enumerated, shall be taken to mean or refer to the present Act and the Embankment by the present Act authorized.

Extension to this Act of general Powers of Board.

23. The Board shall have and may exercise, for and in the Execution of this Act, all such Powers, Privileges, and Authorities as are conferred on the Board by the Acts constituting and regulating the

the Board (save that the Board shall not apply any Money raised under those Acts in or towards the Construction or Execution of any Work authorized by this Act), and as far as may be, the Provisions of those Acts shall extend and apply for the Purposes and in the Execution of this Act; and there shall be incorporated with this Act Section Seven of the Embankment Act of 1862 (relating to a Committee of the Board); and for this Purpose the Term "this Act," and Words of Reference thereto, used in the last-mentioned Section, shall be taken to mean or refer to the present Act.

Saving for Rights of Duchy of Cornwall.

24. Nothing in this Act shall extend to authorize the Board to take, use, enter upon, or interfere with any Land, Soil, or Water, Parcel of the Possessions of the Duchy of Cornwall, except so far as the Board shall have previously become entitled under a Purchase or Enfranchisement, pursuant to the special Powers of Sale and Enfranchisement herein-before contained, or to affect any Property, Right, Profit, Privilege, Power, or Authority vested in or enjoyed by Her Majesty, Her Heirs or Successors, in respect of the said Duchy, or in or by the Duke of Cornwall for the Time being, except so far as the same may be affected by or by reason of any such Purchase or Enfranchisement.

Saving for Rights of Commissioners of Works, &c.

25. Except as herein is specially provided, nothing in this Act shall affect any of the Rights, Privileges, Powers, or Authorities by Law vested in the Commissioners of Her Majesty's Works and Public Buildings in respect of Westminster Bridge, or in the Lambeth Bridge Company, or in the Vauxhall Bridge Company.

Short Title.

26. This Act may be cited as The Thames Embankment (South Side) Act, 1863.

Costs of Act.

27. All the Costs, Charges, and Expenses of and incidental and preliminary to the obtaining of this Act, or incurred by the Board in relation thereto, shall be paid out of the Thames Embankment and Metropolis Improvement Fund; and the Commissioners of Her Majesty's Treasury shall apply such Sums as may be necessary for this Purpose accordingly.

Thames Embankment (South Side).

A

BILL

For the Embankment of Part of the River Thames, on the South Side thereof, in the Parish of St. Mary, Lambeth, and for other Purposes.

(*Prepared and brought in by Mr. Cowper and Mr. Peel.*)

Ordered, by The House of Commons, *to be Printed*, 17 *March* 1863.

[Bill 65.]

Under 2 *oz.*

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Thames Embankment (South Side) Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preamble.

Works.

Power to make Works according to deposited Plans.—Works authorized; Sect. 1.

Clause A.—Public Footway along the Embankment; 2.

Auxiliary Works; 3.

Power for Board to construct or provide Barge Beds, &c.; 4.

Power to deviate; 5.

Clause B.—For the Protection of Lambeth Bridge; 6.

Clause C.—Lambeth Bridge Company may, on Default of Board, complete certain Works; 7.

Clause D.—As to the Maintenance of existing Draw Docks at Broad Street and Ferry Street; 8.

Incorporation of Sections 16 and 19 to 22 of Act of 1862; 9.

Board empowered to take Places for depositing Materials; 10.

Other Works to be approved of by the Board of Trade; 11.

Alteration of Position of Gas and other Pipes; 12.

Power to set out Footways; 13.

Ground laid open into Streets to form Part thereof; Streets to be under Management of Vestries, &c.; 14.

Lands.

Power of Board to take Lands; 15.

Clause E.—Not to take any Part of Lambeth Bridge; 16.

Incorporation of Sections 23, 24, and 40 of the Act of 1862; 17.

Purchase and Extinguishment of Easements; 18.

Custody of deposited Plans; 19.

Limit of Time for compulsory Purchase; 20.

Incorporation of Sections 27, 32 to 34, and 37 of Act of 1862; 21.

Enabling the making of Grants of Lands and Hereditaments on the Part of the Duchy of Cornwall; 22.

Clause F.—Mode of ascertaining Value of Interest of Crown and Thames Conservators in certain Lands; 23.

Clause G.—Saving Rights of the Commissioners of Her Majesty's Works; 24.

Money.

Power to Board to borrow for Purposes of this Act; 25.

Clause H.—Priority of Charge to Monies raised for Thames Embankment and new Street to the Mansion House; 26.

Lands taken under this Act may be given as Security; 27.

Appropriation of Residue of Improvement Fund, after providing for Cost of Left Bank Embankment and of new Street from Blackfriars to Mansion House; 28.

Clause I.—Board may give their general Fund as collateral Security; 29.

Clause K.—Separate Accounts and Repayment of Advances out of Thames Embankment and Metropolis Improvement Fund; 30.

Miscellaneous.

Determination in case of disputed Compensation; 31.

Incorporation of Sections 48 to 52 of Act of 1862; 32.

Extension to this Act of general Powers of Board; 33.

Clause L.—Saving Rights of the Conservators of the Thames; 34.

Saving for Rights of Duchy of Cornwall; 35.

Saving for Rights of Commissioners of Works, &c.; 36.

Short Title; 37.

Costs of Act; 38.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

FOR

The Embankment of Part of the River Thames, on the South Side thereof, in the Parish of Saint Mary, Lambeth, and for other Purposes.

WHEREAS by The Thames Embankment Act, 1862, herein-after called the Embankment Act of 1862, the Metropolitan Board of Works, herein-after called the Board, were authorized to make (among other things) an Embankment on the Left Bank of the Thames, from Westminster Bridge to the Eastern Boundary of the Inner Temple, with a public Roadway thereon: Preamble. 25 & 26 Vict. c. 93.

And whereas by The London Coal and Wine Duties Continuance Act, 1861, a Fund, called the Thames Embankment and Metropolis Improvement Fund, was established out of the Proceeds of certain Local Coal and Wine Duties thereby to be continued until the Fifth Day of July One thousand eight hundred and seventy-two, and was thereby directed to be applied to the Improvement of the Metropolis, in such Manner as might thereafter be determined by Parliament: 24 & 25 Vict. c. 42.

And whereas by the Embankment Act of 1862 the Expenses of the Undertaking by that Act authorized were charged upon the said Improvement Fund, subject to certain prior Charges thereon:

And whereas another Bill has been introduced into Parliament in the present Session, to provide a convenient Communication for Traffic in connection with the Embankment on the Left Bank, by making a New Street from Blackfriars to the Mansion House, and charging the said Improvement Fund with the Expenses of that Undertaking:

And whereas it is expedient that the Board should also be authorized to make an Embankment on Part of the Right Bank of the Thames in the Parish of Saint Mary, Lambeth, with a public Roadway or public Footway thereon, and new Streets or Approaches communicating with such Roadway; and it is expedient that, subject to and after paying for all the Expenses of completing the Undertakings authorized by the Embankment Act of 1862, and by the said Bill for a new Street, the Expenses of the said intended Embankment on the Right Bank, and the Works connected therewith, should likewise be charged on the said Improvement Fund:

And whereas a Bill has been introduced into Parliament in the present Session with the Short Title of The London Coal and Wine Duties Continuance Act, 1863, whereby (among other things) the Duties constituting the said Improvement Fund are proposed to be continued for a further Period of Ten Years from the Fifth Day of July One thousand eight hundred and seventy-two, and to be carried over to the same Fund:

And whereas the Objects of the present Act cannot be effected without the Authority of Parliament:

And whereas Plans and Sections of the intended Embankment, new Streets, and Approaches, showing the proposed Situation, Lines, and Levels thereof, and the Lands intended to be or which may be taken for the Purposes thereof, and a Book of Reference to the same Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the same Lands, have been deposited at the Office of the Clerk of the Peace for the County of Surrey, and the same are herein-after referred to as the deposited Plans, Sections, and Book of Reference:

May it therefore please YOUR MAJESTY

That it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Works.

Power to make Works according to

1. The Board may, in the Situations and Lines, and according to the Levels, and within the Limits of Deviation, and on the Lands, defined

defined in the deposited Plans, Sections, and Book of Reference, make and execute the Embankment and Works herein-after described; namely,— deposited Plans.

(1.) An Enlargement of the Bed of the River Thames, by an Excavation of the Land, and Removal of the Wharf Walls and Premises from or near Gunhouse Alley near to the London Gasworks to or near Broad Street, all in the Parish of Saint Mary, Lambeth: Works authorized.

(2.) An Embankment on the Right Bank of the Thames in the Parish of Saint Mary, Lambeth, commencing at or near Gunhouse Alley, and ending at Westminster Bridge:

(3.) A new Street, to be wholly situate in the Parish of Saint Mary, Lambeth, from Palace New Road to Bishop's Walk:

(4.) The widening of Palace New Road within the Limits of Deviation in continuation of such last-mentioned Street:

(5.) A new Street, to be wholly situate in the Parish of Saint Mary, Lambeth, commencing in and out of the Roadway on the before-mentioned intended Embankment, and terminating at or near Vauxhall Row:

(6.) The reclaiming or inclosing of a Portion of the Bed or Foreshore of the River Thames.

CLAUSE A.

2. The Board shall lay out and maintain a public Footway of not less than Twenty Feet in Width on and along the said Embankment from Westminster Bridge to the Point where the intended Street to Vauxhall Row diverges from the Embankment Roadway. Public Footway along the Embankment.

3. In and for the Purpose of making and executing the Embankment and Works aforesaid, the Board may inclose and fill up the Shore and Bed of the Thames to the Extent defined on the deposited Plans, and also any such further Parts thereof as may be required by the Board for constructing any Barge Beds, Recesses, Stairs, Piers, Landing Places, Hards, or other Works under the Powers of this Act, and also may remove, destroy, alter, divert, stop up, inclose, use, or appropriate all or any Part of any Street, Square, Place, Court, Alley, or Passage, whether a Thoroughfare or not, or of any Thoroughfare, Road, Lane, or Way, or of any Stream, Drain, Sewer, Watercourse, void Ground, Wharf, Jetty, Quay, Barge Bed, Stair, Pier, Landing Place, Hard, Mooring Post or Ring, Post, Pile, or other Property which in the Judgment of the Board is necessary to be so dealt with for the Purposes of this Act, the Board providing a proper Substitute before interrupting the Flow of Sewage in any Drain or Sewer, making Compensation to all Persons having any Interest in any Wharves, Jetties, or other Property taken for or injuriously Auxiliary Works.

injuriously affected by such Works, or other the Exercise of the Powers of this Act.

Power for Board to construct or provide Barge Beds, &c.

4. For the Purpose of diminishing so far as practicable Inconvenience to the Wharfingers, Warehousemen, and others having Wharfs or Premises on the Line of the Embankment, or having Rights of Way, Easements, or other Access to the River, the Board may construct or provide, and afterwards maintain, alter, or improve, all such Barge Beds, Receptacles, Recesses, Cuts, and Basins, and all such other Conveniences for loading and unloading Goods from Barges, Lighters, and Boats, with Entrances or Passages or Means of Access to and from the Thames under the Embankment, and all such Slips, Hards, Landing-places, Jetties, Wharves, Yards, Approaches, and other Conveniences and Works connected therewith as the Board may think proper, for the Accommodation and Use of Wharfingers, Warehousemen, and other Persons carrying on Trade or Business in the Neighbourhood of the Embankment, and may set apart and appropriate for the Purposes of the present Section any Land acquired or reclaimed by the Board under this Act, and may enter into and carry into effect such Agreements as the Board thinks fit with any Wharfingers, Warehousemen, and other Persons, with reference to the Construction, providing, Maintenance, Alteration, Improvement, or Use of any such Work or Convenience as aforesaid.

Power to deviate.

5. In carrying the Works and Improvements by this Act authorized into execution, the Board may deviate to any Extent not exceeding Twelve Feet from the Levels defined on the deposited Sections, and may deviate from the Line of any of the Works authorized by this Act within the Limits of Deviation defined on the deposited Plans, but not beyond such Limits without the Consent of the Person or Body through whose Lands any such Deviation is made, nor carry the Line of the Embankment Wall, as defined on the deposited Plans, further into the Stream of the Thames than Fifteen Feet, without the Consent of the Conservators of the Thames, signified in Writing under the Hand of their Secretary: Provided always, that the Board shall not be authorized, under the Powers of this Act, to take any of the Lands and Buildings situate between New Bridge Street, High Street, the River Thames, and Lacks Dock, and the Approach to such Dock from High Street, although such Lands and Buildings are delineated on the deposited Plans.

Clause B. For the Protection of Lambeth Bridge.

6. The Board shall not be authorized without the Consent of the Lambeth Bridge Company to lower the Level of any Part of Lambeth Bridge, or the Approaches thereto within One hundred Feet of the Bridge, or to raise such Level to a greater Extent than is shown on the deposited Sections, and any Works to be executed under the Authority

Authority of this Act, which may in any way affect the Structure of the said Bridge, shall not be carried into effect without the Approval of the Engineer for the Time being of the said Bridge, and such Works shall be executed so that One Footway and Half the Carriageway of the said Bridge and Approaches as aforesaid shall always be open for Traffic, and be in a fit State for Traffic to pass over; and in case the Level of the said Bridge and Approaches shall be raised by the Board at the Toll House thereof on the Lambeth Side, the Board shall raise, and if necessary rebuild, the said Toll House, so as to be on the Level of the raised Footway.

CLAUSE C. Lambeth Bridge Company may on Default of Board complete certain Works.

7. In case the Board shall commence any Works for raising the Level of Lambeth Bridge and the Approaches thereto, being within One hundred Feet of the said Bridge, and shall not complete the same within One Month after commencing the same, it shall be lawful for the Lambeth Bridge Company to restore the said Bridge and such Approaches to the State the same were in before such Works were commenced, and the Costs of such Restoration shall be repaid by the Board to the said Company.

CLAUSE D. As to the Maintenance of existing Draw Docks at Broad Street and Ferry Street.

8. The Board shall provide for the Maintenance of the existing Draw Docks at Broad Street and Ferry Street, and shall construct all necessary Beds and Hards for Barges to lie upon, together with all Approaches and Ways, by which Carts and Carriages may be brought alongside for loading and unloading; the same to be at such a Level as will enable the Approaches from Broad Street and Ferry Street to be constructed at a Gradient not steeper than One Foot in Twenty Feet, and the said Beds, Hards, and Approaches shall be maintained by the said Board, and be subject to such Bye-laws and Regulations as they may from Time to Time make.

Incorporation of Sections 16 and 19 to 22 of Act of 1862.

9. There shall be incorporated with this Act Sections Sixteen, Nineteen, Twenty, Twenty-one, and Twenty-two of the Embankment Act of 1862 (relating to the raising of Materials from the Bed of the Thames, and to the Approval of Plans and Elevations by the Conservators, and to the Exhibition of Lights during the Construction of the Works, and to the Substitution of Piers and other Conveniences, and to the Maintenance and Repair of the Embankment, and to Matters connected therewith repectively); and for this Purpose the respective Terms "this Act" and "the said Embankment," and Terms of Reference thereto respectively, used in any of the Sections last enumerated, shall be taken to mean or refer to the present Act and the Embankment by the present Act authorized.

Board empowered to take Places

10. The Board may take on Lease or agree for the Use and Occupation of proper Places on any Part of the South Bank of the

for depositing Materials.

Thames between Westminster Bridge and Vauxhall Bridge, or within Five Hundred Yards of the Site of the Embankment by this Act authorized, for the Purpose of depositing and working Stone, Iron, Timber, and other Materials for constructing and completing the said Embankment and Roadway.

Other Works to be approved of by the Board of Trade.

11. No Works, other than those necessary for the Completion of the Works expressly authorized by this Act, upon the Bed or Shore of the Thames below High-water Mark, which may affect the Navigation of that River, shall at any Time be commenced or executed, under the Provisions of this Act, without the same having been previously approved of by the Board of Trade, such Approval to be from Time to Time signified in Writing under the Hand of the Secretary to the Board of Trade.

Alteration of Position of Gas and other Pipes.

12. The Board may, for the Purpose of making any Work by this Act authorized, raise, sink, or otherwise alter the Position of any Watercourse, Water Pipe, or Gas Pipe belonging to or connected with any House or Building adjoining or near to such Work, and also any Main or other Pipe laid down or used by any Company for carrying a Supply of Water or Gas, and also any Pipe, Tube, Wire, or Apparatus laid down for Telegraphic or other Purposes, and may remove any other Obstruction, causing as little Detriment and Inconvenience as Circumstances admit to any Company, Person, or Body, and making reasonable Compensation to any Company, Person, or Body who suffers Damage by any such Alteration: Provided always, that before the Board alter the Position of any Main or other Pipe laid down or used by any such Company or Body, they shall give to the Company or Body to whom the same belongs, Notice of their Intention to do so, specifying the Time at which they will begin to do so, such Notice to be given Twenty-four Hours at least before the Commencement of the Work for effecting such Alteration, and such Work shall be done under the Superintendence of the Company or Body to whom such Pipe belongs, unless such Company or Body refuses or neglects to give such Superintendence at the Time specified in the Notice for the Commencement of the Work, or discontinues the same during the Work; and the Board shall execute such Work to the reasonable Satisfaction of such Body: Provided also, that the Board shall not cause any Street or Road to be lowered or raised, or the Position of any Water or Gas Pipes to be altered, so as to leave over such Pipes in any Part a Covering of less than Eighteen Inches (unless the Board shall in such Case protect the same Pipes from Frost or Injury by artificial Covering to the Satisfaction of the Engineer of such Company or Body), or more than Six Feet, unless a Referee, to be appointed by the Board of Trade on the Application of either Party

Party in case of Dispute, shall consider that the Pipe should be carried to a greater Depth for the Purpose of avoiding Interference with the Works to be executed under this Act, and in such Case the Pipe shall be altered in such Manner, and such Works shall be made at the Expense of the Board in such Manner, as the Referee may prescribe.

Power to set out Footways.

13. The Board may cause such Parts of the Roadway, inclosed Ground, and Streets aforesaid respectively, to be laid out for Carriageways, and such Part thereof for Footways, as they think proper.

Ground laid open into Streets to form Part thereof. Streets to be under Management of Vestries, &c.

14. When the Roadway, new Streets, and Approaches aforesaid respectively are completed, of which Completion a Certificate signed by the Chairman of the Board, and delivered to the Clerk of the Peace for the County of Surrey, shall be for all Purposes conclusive Evidence, all the Ground laid open into the same respectively shall be deemed to form Part thereof respectively, and may be used by the Public accordingly; and thenceforth the same Roadway, new Streets, and Approaches, with the sole Power, Authority, and Duty of paving, repairing, cleansing, lighting, and watching the same, and of rating Hereditaments within the same respectively, shall be under the Care, Management, Control, and Jurisdiction of the same Vestries, Board, District Boards, Commissioners, or Persons as the other Streets in the Parishes, Districts, or Places in which the same respectively are situate.

Lands.

Power of Board to take Lands.

15. The Board may enter upon, take, and use for the Purposes of this Act any of the Lands defined in the deposited Plans and Book of Reference; and The Lands Clauses Consolidation Act, 1845, with the Exception of Sections Thirty-four and Ninety-two (relating to the Costs of Arbitrations, and to the taking of Parts of Buildings, and to Matters connected therewith respectively), and The Lands Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Act.

Clause E. Not to take any Part of Lambeth Bridge.

16. The Board shall not be authorized by this Act to purchase the Lands of the Lambeth Bridge Company on which any Part of the Lambeth Bridge has been constructed.

Incorporation of Sections 23, 24, and 40 of the Act of 1862.

17. There shall be incorporated with this Act Sections Twenty-three, Twenty-four, and Forty of the Embankment Act of 1862 (relating to the taking of Parts of Lands, and to the Correction of any Errors in the Book of Reference, and to the Costs of Arbitrations, and to Matters connected therewith respectively); and for this Pur-

pose the Term "this Act," and Terms of Reference thereto, used in any of the Sections last enumerated, shall be taken to mean or refer to the present Act; and the said Section Twenty-four shall be read as if the Word "Surrey" were therein substituted for the Word "Middlesex."

Purchase and Extinguishment of Easements.

18. The Board may purchase any Easement which they may require to extinguish for the Purposes of this Act; and for the Purposes of every such Purchase the Term "Lands" in the said Lands Clauses Consolidation Act shall be deemed to include Easements.

Custody of deposited Plans.

19. Until the Completion of the Works the deposited Plans, Sections, and Book of Reference shall remain in the Office in which they are deposited; and all Persons may at all reasonable Times inspect the same at their Pleasure, paying One Shilling for each Inspection.

Limit of Time for compulsory Purchase.

20. The Powers of the Board for the compulsory Purchase of Lands under this Act shall not be exercised after the Expiration of Seven Years from the passing of this Act.

Incorporation of Sections 27, 32 to 34, and 37 of Act of 1862.

21. There shall be incorporated with this Act Sections Twenty-seven and Sections Thirty-two to Thirty-four (both inclusive), and Section Thirty-seven of the Embankment Act of 1862 (relating to Appropriation by the Board in respect of Loss of River Frontage, and to Leases and Sales by the Board, and to the Application of Money arising therefrom, and to Matters connected therewith respectively); and for this Purpose the Term "this Act," and Words of Reference thereto, used in any of the Sections last enumerated, shall be taken to mean or refer to the present Act; and the said Section Twenty-seven shall be read as if the Words "Right Bank" were therein substituted for the Words "Left Bank."

Enabling the making of Grants of Lands and Hereditaments on the Part of the Duchy of Cornwall.

22. For enabling the Board to obtain an effectual Assurance of such Lands defined in the deposited Plans and Book of Reference, being Parcel of the Possessions of the Duchy of Cornwall, as are required for the Works authorized by this Act, or which the Board may be required to purchase,—the Duke of Cornwall for the Time being, or any Three or more of the Council (if any) of the Duke of Cornwall for the Time being, or of the Special Commissioners or other Persons for the Time being having the general Superintendence and Management of the Revenues and Affairs of the said Duchy, may, as Occasion requires, by Deed, under the Privy Seal of the Duke of Cornwall while the said Duchy is held separately from the

the Crown, and under the Hands and Seals of such Three or more Commissioners or other Persons while the same is not held separately from the Crown, (such Deed to be enrolled by the Keeper for the Time being of the Records of the said Duchy), exercise the like Powers of Sale and Enfranchisement as were vested in the Council of His Royal Highness Albert Edward Prince of Wales and Duke of Cornwall by the Act of the Session of the Seventh and Eighth Years of Her Majesty, "to enable the Council of His Royal Highness "Albert Edward Prince of Wales to sell and exchange Lands and "enfranchise Copyholds, Parcel of the Possessions of the Duchy "of Cornwall, to purchase other Lands, and for other Purposes;" and the Proceeds of any Sale or Enfranchisement made in pursuance of this present Provision shall from Time to Time be invested and dealt with in like Manner as by that Act is authorized or directed with respect to the Proceeds of Sales and Enfranchisements made under that Act. 7 & 8 Vict. c. 65.

CLAUSE F.

Mode of ascertaining Value of Interest of Crown and Thames Conservators in certain Lands.

23. An Estimate shall be made of the Amount of any Diminution in Value which may be caused by the Works by this Act authorized (except of so much thereof as will be situate on the Portions of the Bed or Foreshore lying in front of the Premises numbered 9, 10, 13, 15, and 103 on the deposited Plans, for which excepted Parts other Provision is made by this Act,) in the Rights and Interests of Her Majesty in right of Her Crown, and of the Conservators of the River Thames under the Thames Conservancy Act, 1857, and the Amount of such Estimate shall be paid by the Board to the Conservators, to be applied by them according to the Provisions of the One hundred and fourth Section of the same Act by way of Compensation for the Rights and Interests aforesaid, and the said Estimate shall be made by Two Arbitrators or their Umpire in manner following; namely, One such Arbitrator shall be appointed by the Board, and the other by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, within One Month after the passing of this Act; and such Arbitrators shall, before they commence their Duty, appoint an Umpire in Writing, and if within Twenty-one Days after both Arbitrators have been appointed, they shall omit or refuse to appoint an Umpire as aforesaid, it shall be lawful for the Commissioners of Her Majesty's Treasury to appoint an Umpire, which Appointment shall be valid whether the Arbitrators have then commenced their Duty or not; and if either Party shall neglect or refuse to appoint an Arbitrator as aforesaid, the Arbitrator appointed by the other Party shall act alone, and the Decision of such Arbitrators or Arbitrator or Umpire, as the Case may be, shall be final, and all the Costs and Expenses of the Valuation to be incurred by either Party shall be borne and paid by the Board.

 24. Nothing

CLAUSE G. Saving Rights of the Commissioners of Her Majesty's Works.

24. Nothing in this Act shall extend to authorize the Board to take, use, or in any Manner interfere with any Lands, Tenements, or Hereditaments belonging to or in the Occupation of the Commissioners of Her Majesty's Works and Public Buildings without the Consent in Writing of the First Commissioner for the Time being of Her Majesty's Works and Public Buildings for that Purpose first had and obtained, which Consent such First Commissioner is hereby authorized to give, upon and subject to such Terms and Conditions as may appear to him fit and proper.

Money.

Power to Board to borrow for Purposes of this Act.

25. In the Manner and subject to the Provisions and on the Security in and subject to and on which the Board are authorized to borrow Money by the Embankment Act of 1862, but subject to the Charges thereby and by the Metropolis Improvement Act, 1863, created or authorized to be created, the Board may borrow Money to the Extent of Seven hundred thousand Pounds; and the Board shall apply all Money borrowed in pursuance of this Act for the Purposes of the Undertaking authorized by this Act.

CLAUSE H. Priority of Charge to Monies raised for Thames Embankment and new Street to the Mansion House.

26. All Sums of Money raised or to be raised upon the Security of the Thames Embankment and Metropolis Improvement Fund, under the Provisions of the Embankment Act of 1862 and the Metropolis Improvement Act, 1863, shall have Priority over any Money to be raised for the Purposes of this Act.

Lands taken under this Act may be given as Security.

27. Any Lands or Property acquired by the Board under this Act may be made Security for any Money borrowed in pursuance of this Act, either together with the Thames Embankment and Metropolis Improvement Fund or separately, as may be agreed on between the Board and any Person or Body lending Money in pursuance of this Act.

Appropriation of Residue of Improvement Fund, after providing for Cost of Left Bank Embankment, and of new Street from Blackfriars to Mansion House.

28. Subject to the Provisions of the Embankment Act of 1862 and of the Metropolis Improvement Act, 1863, and of this Act, and to the Provision herein-after contained for Payment of the Costs, Charges, and Expenses of and incidental and preliminary to the obtaining of this Act or incurred by the Board in relation thereto, all Money becoming Part of the Thames Embankment and Metropolis Improvement Fund after the passing of this Act shall be paid by the Commissioners of Her Majesty's Treasury to the Board as the Board may by Writing under their Seal require, and shall, after paying off the Charges on such Fund created or to be created under the Authority of the Embankment Act of 1862 and the Metropolis Improvement Act, 1863, be applied by the Board as follows:

First,

First, in satisfying all Charges on the said Improvement Fund created under this Act:

Secondly, in paying the Expenses from Time to Time incurred in respect of the Undertaking authorized by this Act:

Lastly, in the Improvement of the Metropolis in such Manner as may hereafter be determined by Parliament.

CLAUSE I. Board may give their general Fund as collateral Security.

29. In order to enable the Board to obtain more readily Advances of Money for the Purposes of this Act, the Board may charge as collateral Security the Rates and Sums of Money which the Board are authorized to raise under the Provisions of the Metropolis Management Act, 1855, and the Metropolis Management Amendment Act, 1862, and if and when it shall be necessary to pay out of those Rates and Sums of Money any Monies in respect of the Money borrowed upon such Security, the same shall be deemed Part of the Expenses of the Board to be defrayed, assessed, and raised as in the last-mentioned Act provided, and may be defrayed, assessed, and raised accordingly.

CLAUSE K. Separate Accounts and Repayment of Advances out of Thames Embankment and Metropolis Improvement Fund.

30. Separate Accounts shall be kept of all Monies advanced for the Purposes of this Act by the Board out of Money raised under the Provisions of the Metropolis Management Act, 1855, and the Metropolis Management Amendment Act, 1862, and all such Sums of Money shall be repaid to the Board out of the Thames Embankment and Metropolis Improvement Fund after the Charges created or to be created under the Provisions of the Embankment Act of 1862 and the Metropolis Improvement Act, 1863, shall have been satisfied.

Miscellaneous.

Determination in case of disputed Compensation.

31. The Amount and Application of any Compensation payable by the Board in any Case under this Act shall be determined in the Manner provided by The Lands Clauses Consolidation Act, 1845, for Determination of the Amount and Application of Compensation for Lands taken under that Act.

Incorporation of Sections 48 to 52 of Act of 1862.

32. There shall be incorporated with this Act Sections Forty-eight to Fifty-two (both inclusive) of the Embankment Act of 1862, (relating to Liability of Owners of Vessels and others, and to the Application of Penalties, and to Actions, and to Matters connected therewith respectively); and for this Purpose the respective Terms "this Act" and "the said Embankment," and Terms of Reference thereto respectively, used in any of the Sections last enumerated, shall be taken to mean or refer to the present Act and the Embankment by the present Act authorized.

Extension to this Act

33. The Board shall have and may exercise, for and in the Execution of this Act, all such Powers, Privileges, and Authorities as

of general Powers of Board.

are conferred on the Board by the Acts constituting and regulating the Board (save that the Board shall not, except as herein provided, apply any Money raised under those Acts in or towards the Construction or Execution of any Work authorized by this Act), and as far as may be, the Provisions of those Acts shall extend and apply for the Purposes and in the Execution of this Act; and there shall be incorporated with this Act Section Seven of the Embankment Act of 1862 (relating to a Committee of the Board); and for this Purpose the Term "this Act," and Words of Reference thereto, used in the last-mentioned Section, shall be taken to mean or refer to the present Act.

Clause L. Saving Rights of the Conservators of the Thames.

34. Except as herein expressly provided, nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the Rights of the Conservators of the River Thames, or to prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of the passing of this Act the said Conservators did or might lawfully claim, use, or exercise.

Saving for Rights of Duchy of Cornwall.

35. Nothing in this Act shall extend to authorize the Board to take, use, enter upon, or interfere with any Land, Soil, or Water, Parcel of the Possessions of the Duchy of Cornwall, except so far as the Board shall have previously become entitled under a Purchase or Enfranchisement, pursuant to the special Powers of Sale and Enfranchisement herein-before contained, or to affect any Property, Right, Profit, Privilege, Power, or Authority vested in or enjoyed by Her Majesty, Her Heirs or Successors, in respect of the said Duchy, or in or by the Duke of Cornwall for the Time being, except so far as the same may be affected by or by reason of any such Purchase or Enfranchisement.

Saving for Rights of Commissioners of Works, &c.

36. Except as herein is specially provided, nothing in this Act shall affect any of the Rights, Privileges, Powers, or Authorities by Law vested in the Commissioners of Her Majesty's Works and Public Buildings in respect of Westminster Bridge, or in the Lambeth Bridge Company, or in the Vauxhall Bridge Company.

Short Title.

37. This Act may be cited as The Thames Embankment Act, 1863.

Costs of Act.

38. All the Costs, Charges, and Expenses of and incidental and preliminary to the obtaining of this Act, or incurred by the Board in relation thereto, shall be paid out of the Thames Embankment and Metropolis Improvement Fund; and the Commissioners of Her Majesty's Treasury shall apply such Sums as may be necessary for this Purpose accordingly.

LORDS AMENDMENTS

TO THE

THAMES EMBANKMENT (SOUTH SIDE) BILL.

Note.—*The Page and Line refer to the Bill* (162.) *as printed by the Lords.*

Page 9.

Line 19. After ("thereof") insert ("if any")

Line 20. Leave out from ("Foreshore") to ("for") in Line 21, and insert ("of the River Thames which were re- "served to Her Majesty under the Thames Con- "servancy Act, 1857")

Line 44. After ("Board") insert Clause (A.)

Clause (A.) ("Nothing contained in this Act or in any of the Acts herein referred to shall authorize the Board to take, use, or in any Manner interfere with any Foreshore or other Land, Soil, Tenements, or Hereditaments, or any Rights of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty, in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give), neither shall anything in the said Act or Acts contained divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.")

TO THE

THAMES EMBANKMENT (SOUTH SIDE) BILL.

Ordered, by The House of Commons, *to be Printed*, 15 *July* 1863.

[Bill 246.]

Under 1 *oz.*

A

BILL

FOR

Altering the Duties on manufactured Tobacco, and permitting the Manufacture of Cavendish and Negrohead in Bond.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Duties on manufactured Tobacco.

1. In lieu of the Duties of Customs now charged upon the several Kinds of manufactured Tobacco under mentioned, the following Duties shall be charged and paid thereon upon Importation into Great Britain and Ireland from and after the passing of this Act:

		£	*s.*	*d.*
Segars - - -	the lb.	0	5	0
Snuff - - -	the lb.	0	3	9
Other manufactured Tobacco -	the lb.	0	4	0

And there shall be charged and paid on every Pound of Cavendish and Negrohead Tobacco manufactured in Bond, as herein-after provided, on the Entry thereof for Home Consumption, the Duty of Customs of - - - - - 0 3 8

Commissioners may appoint

2. The Commissioners of Customs shall or may by Order under their Hand from Time to Time direct in what Warehouses or in what

Warehouses for Manufacture of Tobacco in Bond.

Parts or Divisions of any Warehouses, now approved or appointed or hereafter to be approved or appointed, for the Security of Duties on Tobacco under any Act in force relating to the Customs, so long as such Appointment or Approval shall remain unrevoked, the Processes of manufacturing or converting unmanufactured Tobacco into Cavendish or Negrohead, and the weighing, making into Parcels, wrapping up, and labelling of Cavendish or Negrohead, whether of British or Foreign Manufacture, may respectively be carried on, and how and in what Manner such Warehouses, or Parts or Divisions thereof, shall be secured by Locks, Fastenings, or otherwise, and shall and may require such Security by Bond or otherwise as they shall deem necessary from the Importer or Manufacturer of any Tobacco which shall be deposited therein for Security of the Duty due on such Tobacco or other Materials or Ingredients, or brought therein or thereto for the Purpose of being manufactured or used in the Manufacture thereof, or for the Purpose of being packed, wrapped, or labelled as aforesaid, or for the due and safe Removal of such Tobacco or other Materials or Ingredients from One Warehouse to another, or from One Part or Division of any Warehouse to any other Part or Division of the same or any other Warehouse, and for the due Observance of the Terms, Conditions, and Requirements of this Act, and of the Rules and Regulations of the Commissioners in respect thereof.

Cavendish or Negrohead may be manufactured in Bond.

3. It shall be lawful for licensed Manufacturers of Tobacco to manufacture in such Warehouses, or Parts or Divisions thereof, as shall be approved by the Commissioners of Customs for the Manufacture of Tobacco in Bond, the several Descriptions of Tobacco respectively called or known as Cavendish and Negrohead from any Leaf or other unmanufactured Tobacco duly warehoused for Security of Duties of Customs, and to use in such Manufacture Materials or Ingredients for sweetening or flavouring the same (not being the Leaves of Trees or Plants other than of the Tobacco Plant), anything to the contrary in any other Act in force to the contrary notwithstanding; and it shall also be lawful for any such Manufacturer or any Importer of Cavendish or Negrohead Tobacco, in such Warehouse, Part or Division of such Warehouse, to pack or make up, wrap, and label in Parcels of the Weight and in the Manner hereinafter mentioned any Cavendish or Negrohead Tobacco which shall have been so manufactured in Bond as aforesaid, or which shall have been imported in the manufactured State: Provided, that such Manufacture and the packing or making up, wrapping and labelling thereof, shall be done and performed in accordance with and under such Terms and Conditions as are prescribed by this Act, and under

and

and subject to such other Rules and Regulations as the said Commissioners shall from Time to Time see fit to direct.

Cavendish and Negrohead Tobacco not to be delivered for Home Consumption, except on Conditions.

4. No Cavendish or Negrohead Tobacco, whether imported and warehoused as such or manufactured in the Warehouse, shall be delivered from any Warehouse for Home Consumption or otherwise except under the following Conditions:

Packets.

1. Such Tobacco shall be made into separate Packets of such Weights respectively as the Commissioners of Customs shall direct, not exceeding *One Pound* nor less than *One Ounce* each:

Wrappers.

2. Each such Packet shall be enclosed by or at the Expense of the Importer or Manufacturer in a Wrapper approved by the Commissioners of Customs:

Labels.

3. Each such Wrapper shall be securely fastened by a Label, to be provided by the Commissioners of Customs, and pasted on such Wrapper by such Importer or Manufacturer so that the same cannot be opened nor any Part of the Contents of such Package be abstracted without tearing or destroying such Label, or cutting or destroying the Wrapper thereof, at any other Part or Place than that on which the Label is pasted or secured:

Payment of Duty on Foreign.

4. Before any Cavendish or Negrohead Tobacco imported and warehoused shall be made into Packets or Parcels as aforesaid the same shall be duly entered for Home Consumption, and the full Duty of Customs paid thereon:

Payment of Duty on British.

5. When any unmanufactured Tobacco shall have been manufactured or converted into Cavendish or Negrohead in the Warehouse the same shall be duly entered for Home Consumption, and the full Duties of Customs shall be paid upon the Tobacco so manufactured before the same is made into Packets:

Surplus of British not packed to be re-warehoused.

6. If any Tobacco so manufactured in the Warehouse shall not be made into Packets for Home Consumption the same shall be re-warehoused either for Exportation or for future packing, wrapping, and labelling for Home Consumption, if at any Time afterwards required for that Purpose:

Disposal of Stalks, Refuse, &c.

7. All Stalks, Waste, and other Refuse remaining after and from the Manufacture of Cavendish or Negrohead Tobacco in the Warehouse or from the packing thereof shall be destroyed in the Presence of the proper Officer of Customs or be re-warehoused for Exportation, at the Option of the Manufacturer:

Books to be kept.

8. Every licensed Manufacturer shall enter in a Book, to be supplied to him by the said Commissioners, in such Form and

Manner as they shall direct, the following and such other Particulars as the said Commissioners shall require; viz.,

Particulars required.

The Weights, Quantities, and Particulars of all unmanufactured Tobacco and other Materials and Ingredients received by him into such Warehouse for the Purpose of being manufactured;

The Weight and Quantities thereof consumed in such Manufacture;

The Weight, Quantities, and Particulars of unmanufactured Tobacco, Materials, Ingredients, Stalks, Waste, and other Refuse remaining after or caused by such Manufacture;

The Quantity of Cavendish or Negrohead produced by such Manufacture;

The Quantity thereof made up into Packets, wrapped, labelled and delivered for Home Consumption, with the Number of Packets of each Size or Weight respectively;

The Quantity thereof re-warehoused for Home Consumption or otherwise, and the Quantity of Tobacco, Materials, Ingredients, Stalks, Waste, or other Refuse returned into the Customs Warehouse to be destroyed:

Book to be accessible to Officers.

9. Every such Book shall be kept in the Warehouse and shall be at all Times accessible to the Officers of Customs, who may make Minutes in or take Extracts therefrom, and such Manufacturer shall correctly keep such Book in the Manner required, and shall not cancel or obliterate the same or any Part thereof, or make any Alteration in any Entry therein, except for Correction of any Errors, with the Sanction and in the Presence of the proper Officer of Customs:

Penalty for Noncompliance.

Every licensed Manufacturer, Dealer, or other Person engaged in such Warehouse in any of the Operations aforesaid who shall refuse or neglect to comply with any of the foregoing Conditions shall for every such Offence forfeit the Sum of *Twenty Pounds.*

Account of Stock of Tobacco and Materials remaining in Warehouse to be taken, and Balance to be struck; Deficiency to be deemed Tobacco fraudulently removed.

5. From Time to Time when and as often as the Officer of Customs having Charge of any such approved Warehouse shall deem it to be necessary or proper, and at least *once* in every Year, the Stock of Tobacco manufactured and unmanufactured, and all Materials and Ingredients to be used in such Manufacture as aforesaid, remaining in such Warehouse shall be weighed in the Presence of the said Officer, and an Account thereof shall be taken, and a Balance shall be struck, of all Tobacco, Materials, and Ingredients received into such Warehouse, and of all manufactured Tobacco and Stalks and Refuse of Tobacco lawfully delivered thereout; and if the Quantity by Weight of such Tobacco, Materials, and Ingredients remaining in the said Warehouse shall be less than the Quantity which, according to the Balance

Balance of such Account, ought to be found therein, the Deficiency shall be deemed to be so much Tobacco fraudulently removed from such Warehouse without Payment of the Duties of Customs thereon, and the said Manufacturer shall forfeit the Sum of *One hundred Pounds*, and moreover the Amount of such Duty shall be recoverable as a Debt due to Her Majesty.

Penalty on Sale, &c., of Cavendish or Negrohead Tobacco not enclosed and labelled.

6. If any Tobacco of either of the Descriptions called respectively Cavendish and Negrohead, whether of Foreign or British Manufacture, containing or having mixed therewith any Material or Ingredient prohibited by any Act in force, to be used in the Manufacture in the United Kingdom of Tobacco of the like Description, and not being enclosed in a Wrapper securely fastened by such Label as aforesaid, or of which such Wrapper or Label shall have been cut or torn, obliterated, or cancelled, or bear any other Mark or Appearance of having been opened or tampered with, shall be sold or exposed for Sale by or be found in the Possession of any Importer or Manufacturer of or Dealer in or Retailer of Tobacco, he shall forfeit either *treble* the Value thereof or the Penalty of *Twenty Pounds*, and all such Tobacco shall be forfeited.

Labels to be provided, and Forgery thereof punishable by Imprisonment with Hard Labour.

7. The Labels by this Act directed to be provided by the Commissioners of Customs shall be printed or stamped with such Device as they shall think proper; and if any Person shall forge or counterfeit any such Label or the Device thereon, or shall utter any such Label or Device knowing the same to be forged or counterfeited, he shall, on Conviction of such Offence, be imprisoned in the House of Correction, with Hard Labour, for any Term not exceeding *Six* Calendar Months nor less than *Three* Calendar Months.

Vendors to obliterate Labels on Sale of Packets before Delivery.

8. If any Retail Dealer or Vendor of any Packet of Cavendish or Negrohead Tobacco, labelled as required by this Act, shall fail on the Sale thereof to obliterate, before Delivery to the Purchaser, the Label so as to render the same incapable of being again used for the same Purpose he shall forfeit the Penalty of *Twenty Pounds*.

Cavendish or Negrohead Tobacco not to be imported except to be warehoused.

9. No Cavendish or Negrohead Tobacco shall be imported into Great Britain and Ireland except to be warehoused in the first instance in some Warehouse approved by the Commissioners of Customs for Security of Duties of Customs on Tobacco; and if any such Cavendish or Negrohead Tobacco shall be imported contrary hereto, or being imported shall not be forthwith duly entered and warehoused, the same shall be forfeited, and the Importer thereof, and every Dealer or other Person concerned in the Importation thereof, or

to whose Hands the same shall come, shall forfeit either *treble* the Value thereof or the Penalty of *One hundred Pounds* at the Election of the Commissioners of Customs.

Importation of Tobacco (except Cavendish or Negro-head) containing prohibited Ingredients forfeited.

10. All manufactured Tobacco (other than Cavendish or Negro-head) imported into or found in Great Britain and Ireland containing or having mixed therewith any Material or Ingredient prohibited by any Act in force to be used in the Manufacture in the United Kingdom of Tobacco shall be forfeited; and the Importer thereof and any Dealer or other Person concerned in the Importation thereof or to whose Hands the same may come shall forfeit either the *treble* Value thereof or the Penalty of *One hundred Pounds*, at the Election of the Commissioners of Customs.

Commissioners of Customs may make Rules and Regulations for carrying out this Act.

11. It shall be lawful for the Commissioners of Customs from Time to Time to make such Rules and Regulations as shall appear to them to be necessary or proper for regulating the safe Removal of any Tobacco, or of any Surplus, or Stalks, Waste, or Refuse thereof to any Warehouse, Part or Division of any Warehouse, or from any such Warehouse, Part or Division of a Warehouse, to another for the Purposes of this Act, and for securing the same against fraudulent Abstraction, and also for regulating the Times of opening and closing any such Warehouses or Parts or Divisions of a Warehouse, and the Admission of Workmen for the Purpose of manufacturing and packing, wrapping, and labelling the Tobacco therein, and also to make all such other Rules and Regulations as they shall think fit for the Purpose of carrying out the Object and Intention of this Act in all Cases not herein expressly provided for, and to require such Security by Bond or otherwise for the Purposes above mentioned, and for Security of the Duties on Tobacco, as they shall see fit.

Officers of Customs or Inland Revenue may carry out Provisions of the Act.

12. Any Duty or Service required by this Act to be done or performed by any Officer of Customs may be done by any Officer of Customs or Inland Revenue or Excise, or other Person appointed for that Duty or Service by the Commissioners of Customs or the Commissioners of Inland Revenue respectively, and every such Officer or other Person shall be deemed to be the proper Officer for such Duty or Service.

How Penalties and Forfeitures are to be prosecuted for and recovered.

13. All Penalties and Forfeitures which may be incurred under this Act may be prosecuted, sued for, and recovered by Order of the Commissioners of Customs or the Commissioners of Inland Revenue under this or any other Act or Acts relating to the Customs, Inland Revenue, or Excise respectively.

14. Pro-

14. Provided always, That (save and except so far as regards the several Descriptions of Tobacco called respectively Cavendish and Negrohead, enclosed in Wrappers, labelled as herein-before directed,) nothing in this Act contained shall be construed, deemed, or taken to repeal, alter, or affect any of the Provisions contained in an Act passed in the Third and Fourth Years of Her Majesty's Reign, Chapter Eighteen, intituled "An Act to discontinue the Excise "Survey on Tobacco, and to provide other Regulations in lieu "thereof;" and an Act passed in the Fifth and Sixth Years of Her Majesty's Reign, Chapter Ninety-three, to amend the last-mentioned Act, but that (save and except as aforesaid) all Clauses, Provisions, and Penalties contained in or imposed by the said Acts or either of them, and in force at the Time of the passing of this Act, shall remain and be put in execution and enforced as if this Act had not been passed.

This Act not to repeal the Provisions of 3 & 4 Vict. c. 18. and 5 & 6 Vict. c. 93.

15. This Act shall come into operation on *the Day of the passing thereof;* and in citing it in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Manufactured Tobacco Act, 1863."

Commencement of Act.

Short Title.

A

BILL

For altering the Duties on manufactured Tobacco and permitting the Manufacture of Cavendish and Negrohead in Bond.

(*Prepared and brought in by Mr. Massey, Mr. Chancellor of the Exchequer, and Mr. Peel.*)

Ordered, by The House of Commons, *to be Printed*, 16 *February* 1863.

[Bill 21.]

Under 2 oz.

19 February 1863 26 Vict.

A

B I L L

[AS AMENDED IN COMMITTEE]

FOR

Altering the Duties on Tobacco, and permitting the Manufacture of Cavendish and Negrohead in Bond.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. In lieu of the Duties of Customs now charged upon the several Kinds of manufactured Tobacco under mentioned, the following Duties shall be charged and paid thereon upon Importation into Great Britain and Ireland from and after the passing of this Act: Duties on manufactured Tobacco.

		£	*s.*	*d.*
Tobacco, manufactured, viz.:				
„ „	Segars - - the lb.	0	5	0
„ „	Snuff, containing more than 10 lbs. of Moisture in every 100 lbs. Weight thereof, the lb.	0	3	9
„ „	Snuff, not containing more than 10 lbs. of Moisture in every 100 lbs. Weight thereof, the lb.	0	4	2
„	Other manufactured Tobacco - the lb.	0	4	0

		£	s.	d.
Tobacco, unmanufactured, containing more than 10 lbs. of Moisture in every 100 lbs. Weight thereof - the lb. with 5 per Cent. thereon.		0	3	0
„ „ containing less than 10 lbs. of Moisture in every 100 lbs. Weight thereof - the lb.		0	3	6

And there shall be charged and paid on every Pound of Cavendish and Negrohead Tobacco manufactured in Bond, as herein-after provided, on the Entry thereof for Home Consumption, the Duty of Customs of - - - - - 0 3 8

Upon every Pound of Tobacco manufactured in Great Britain and Ireland upon which the Duties of Customs on Importation shall have been paid, on the same being by any licensed Manufacturer exported as Merchandize, or deposited in any Bonded Warehouse to be used as Ship's Stores, and packed in whole and complete Cases, each containing not less than Eighty Pounds net Weight of such Tobacco, there shall be allowed on such Exportation or Deposit thereof a Drawback of Three Shillings, with Five per Cent. thereon, in lieu of the Drawback now allowed by Law on the Exportation of Tobacco, subject to such Increase or Reduction in the Amount of such Drawback as may result from the Examination of such Tobacco or a Sample or Samples thereof under the following Rule; that is to say,

If on the Examination of such Tobacco the Proportion of Moisture contained therein shall be found to exceed Thirteen Pounds in every One hundred Pounds Weight thereof a Reduction of Three Shillings, with Five per Cent. thereon, shall be made in the Drawback allowed in respect of every Pound of such Excess of Moisture, but if the Proportion of Moisture contained therein shall be found to be less than Thirteen Pounds in every One hundred Pounds Weight thereof an Increase shall be made in the Drawback allowed of Three Shillings, with Five per Cent. thereon, in respect of every Pound below Thirteen Pounds in every One hundred Pounds Weight thereof:

Provided always, that no Tobacco shall be exported from any Ports or Places which shall not have been approved for the Importation of Tobacco, and no Drawback shall be allowed upon any Tobacco in which the inorganic Matter contained therein shall exceed the Proportion of Twenty-two Pounds in every One hundred Pounds Weight of such Tobacco, exclusive of Water; and if such Tobacco shall contain less than Twenty-two Pounds and more than Eighteen Pounds of such inorganic Matter in every One hundred Pounds Weight, exclusive of Water, a Deduction shall be made from the Drawback allowed of Three Shillings, with Five per Cent. thereon, in respect of every Pound of such Excess

Excess of inorganic Matter above Eighteen Pounds in the One hundred Pounds as aforesaid: Nor shall any Drawback be allowed upon any Tobacco in which the Sand contained therein shall exceed Two Pounds in every One hundred Pounds of such Tobacco, exclusive of Water: Nor shall any Drawback be allowed upon any Tobacco in which there shall be found more than Twenty-five Pounds of Tobacco Stalks in every One hundred Pounds Weight of such Tobacco, exclusive of Water; nor unless the Tobacco Stalks contained therein shall have been fairly cut in the same with Portions of the Lamina of the Leaf adhering thereto: And in assessing the Duty on any Package of Tobacco imported into Great Britain and Ireland, or in calculating the Drawback allowable on the Exportation or Deposit in the Warehouse of any Package of Tobacco from Great Britain and Ireland, no Duty shall be charged or a Drawback allowed in respect of any Fraction of a Pound: And it shall be lawful for the Officers of Customs for the Purposes of this Act to take Samples of any Tobacco imported into or entered for Exportation from Great Britain and Ireland, or deposited in the Warehouse to be used as Ship's Stores: And in case any Dispute shall arise as to the Quantity of Moisture contained in any Tobacco imported into Great Britain and Ireland, or as to the Quantity of Water or inorganic Matter, including Sand, contained in any Tobacco upon which Drawback is claimed on Exportation, it shall be lawful for the Officers of Customs to submit any such Tobacco or Samples thereof to the Officers of Inland Revenue or Excise for Examination, and the Decision of such Officers of Inland Revenue or Excise as to the Quantity of Moisture or inorganic Matter contained therein shall be final, and the Amount of Duty or Drawback in respect thereof shall be determined accordingly.

Commissioners may appoint Warehouses for Manufacture of Tobacco in Bond.

2. The Commissioners of Customs shall or may by Order under their Hand from Time to Time direct in what Warehouses or in what Parts or Divisions of any Warehouses, now approved or appointed or hereafter to be approved or appointed, for the Security of Duties on Tobacco under any Act in force relating to the Customs, so long as such Appointment or Approval shall remain unrevoked, the Processes of manufacturing or converting unmanufactured Tobacco into Cavendish or Negrohead, and the weighing, making into Parcels, wrapping up, and labelling of Cavendish or Negrohead, whether of British or Foreign Manufacture, may respectively be carried on, and how and in what Manner such Warehouses, or Parts or Divisions thereof, shall be secured by Locks, Fastenings, or otherwise, and shall and may require such Security by Bond or otherwise as they shall deem necessary from the Importer or Manufacturer of any Tobacco which shall be deposited therein for Security of the Duty due on such

Tobacco or other Materials or Ingredients, or brought therein or thereto for the Purpose of being manufactured or used in the Manufacture thereof, or for the Purpose of being packed, wrapped, or labelled as aforesaid, or for the due and safe Removal of such Tobacco or other Materials or Ingredients from One Warehouse to another, or from One Part or Division of any Warehouse to any other Part or Division of the same or any other Warehouse, and for the due Observance of the Terms, Conditions, and Requirements of this Act, and of the Rules and Regulations of the Commissioners in respect thereof.

Cavendish or Negrohead may be manufactured in Bond.

3. It shall be lawful for licensed Manufacturers of Tobacco to manufacture in such Warehouses, or Parts or Divisions thereof, as shall be approved by the Commissioners of Customs for the Manufacture of Tobacco in Bond, the several Descriptions of Tobacco respectively called or known as Cavendish and Negrohead from any Leaf or other unmanufactured Tobacco duly warehoused for Security of Duties of Customs, and to use in such Manufacture Materials or Ingredients for sweetening or flavouring the same (not being the Leaves of Trees or Plants other than of the Tobacco Plant), anything to the contrary in any other Act in force to the contrary notwithstanding; and it shall also be lawful for any such Manufacturer or any Importer of Cavendish or Negrohead Tobacco, in such Warehouse, Part or Division of such Warehouse, to pack or make up, wrap, and label in Parcels of the Weight and in the Manner hereinafter mentioned any Cavendish or Negrohead Tobacco which shall have been so manufactured in Bond as aforesaid, or which shall have been imported in the manufactured State: Provided, that such Manufacture and the packing or making up, wrapping and labelling thereof, shall be done and performed in accordance with and under such Terms and Conditions as are prescribed by this Act, and under and subject to such other Rules and Regulations as the said Commissioners shall from Time to Time see fit to direct.

Cavendish and Negrohead Tobacco not to be delivered for Home Consumption, except on Conditions.

4. No Cavendish or Negrohead Tobacco, whether imported and warehoused as such or manufactured in the Warehouse, shall be delivered from any Warehouse for Home Consumption or otherwise except under the following Conditions:

Packets.

1. Such Tobacco shall be made into separate Packets of such Weights respectively as the Commissioners of Customs shall direct, not exceeding One Pound nor less than One Ounce each:

Wrappers.

2. Each such Packet shall be enclosed by or at the Expense of the Importer or Manufacturer in a Wrapper approved by the Commissioners of Customs:

3. Each

3. Each such Wrapper shall be securely fastened by a Label, to be provided by the Commissioners of Customs, and pasted on such Wrapper by such Importer or Manufacturer so that the same cannot be opened nor any Part of the Contents of such Package be abstracted without tearing or destroying such Label, or cutting or destroying the Wrapper thereof, at any other Part or Place than that on which the Label is pasted or secured: Labels.

4. Before any Cavendish or Negrohead Tobacco imported and warehoused shall be made into Packets or Parcels as aforesaid the same shall be duly entered for Home Consumption, and the full Duty of Customs paid thereon: Payment of Duty on Foreign.

5. When any unmanufactured Tobacco shall have been manufactured or converted into Cavendish or Negrohead in the Warehouse the same shall be duly entered for Home Consumption, and the full Duties of Customs shall be paid upon the Tobacco so manufactured before the same is made into Packets: Payment of Duty on British.

6. If any Tobacco so manufactured in the Warehouse shall not be made into Packets for Home Consumption the same shall be re-warehoused either for Exportation or for future packing, wrapping, and labelling for Home Consumption, if at any Time afterwards required for that Purpose: Surplus of British not packed to be re-warehoused.

7. All Stalks, Waste, and other Refuse remaining after and from the Manufacture of Cavendish or Negrohead Tobacco in the Warehouse or from the packing thereof shall be destroyed in the Presence of the proper Officer of Customs or be re-warehoused for Exportation, at the Option of the Manufacturer: Disposal of Stalks, Refuse, &c.

8. Every licensed Manufacturer shall enter in a Book, to be supplied to him by the said Commissioners, in such Form and Manner as they shall direct, the following and such other Particulars as the said Commissioners shall require; viz., Books to be kept.

The Weights, Quantities, and Particulars of all unmanufactured Tobacco and other Materials and Ingredients received by him into such Warehouse for the Purpose of being manufactured; Particulars required.

The Weight and Quantities thereof consumed in such Manufacture;

The Weight, Quantities, and Particulars of unmanufactured Tobacco, Materials, Ingredients, Stalks, Waste, and other Refuse remaining after or caused by such Manufacture;

The Quantity of Cavendish or Negrohead produced by such Manufacture;

The Quantity thereof made up into Packets, wrapped, labelled and delivered for Home Consumption, with the Number of Packets of each Size or Weight respectively;

The Quantity thereof re-warehoused for Home Consumption or otherwise, and the Quantity of Tobacco, Materials, Ingredients, Stalks, Waste, or other Refuse returned into the Customs Warehouse to be destroyed:

Book to be accessible to Officers.

9. Every such Book shall be kept in the Warehouse and shall be at all Times accessible to the Officers of Customs, who may make Minutes in or take Extracts therefrom, and such Manufacturer shall correctly keep such Book in the Manner required, and shall not cancel or obliterate the same or any Part thereof, or make any Alteration in any Entry therein, except for Correction of any Errors, with the Sanction and in the Presence of the proper Officer of Customs:

Penalty for Noncompliance.

Every licensed Manufacturer, Dealer, or other Person engaged in such Warehouse in any of the Operations aforesaid who shall refuse or neglect to comply with any of the foregoing Conditions shall for every such Offence forfeit the Sum of Twenty Pounds.

Account of Stock of Tobacco and Materials remaining in Warehouse to be taken, and Balance to be struck; Deficiency to be deemed Tobacco fraudulently removed.

5. From Time to Time when and as often as the Officer of Customs having Charge of any such approved Warehouse shall deem it to be necessary or proper, and at least once in every Year, the Stock of Tobacco manufactured and unmanufactured, and all Materials and Ingredients to be used in such Manufacture as aforesaid, remaining in such Warehouse shall be weighed in the Presence of the said Officer, and an Account thereof shall be taken, and a Balance shall be struck, of all Tobacco, Materials, and Ingredients received into such Warehouse, and of all manufactured Tobacco and Stalks and Refuse of Tobacco lawfully delivered thereout; and if the Quantity by Weight of such Tobacco, Materials, and Ingredients remaining in the said Warehouse shall be less than the Quantity which, according to the Balance of such Account, after making such Allowance for Waste by Evaporation in the Process of Manufacture as to the proper Officer of Customs may appear reasonable, ought to be found therein, the Deficiency shall be deemed to be so much Tobacco fraudulently removed from such Warehouse without Payment of the Duties of Customs thereon, and the said Manufacturer shall forfeit the Sum of One hundred Pounds, and moreover the Amount of such Duty shall be recoverable as a Debt due to Her Majesty.

Penalty on Sale, &c. of Cavendish or Negrohead Tobacco not enclosed and labelled.

6. If any Tobacco of either of the Descriptions called respectively Cavendish and Negrohead, whether of Foreign or British Manufacture, containing or having mixed therewith any Material or Ingredient prohibited by any Act in force, to be used in the Manufacture in the United Kingdom of Tobacco of the like Description, and not being enclosed in a Wrapper securely fastened by such Label as aforesaid, or of which such Wrapper or Label shall have been cut or torn,

torn, obliterated, or cancelled, or bear any other Mark or Appearance of having been opened or tampered with, shall be sold or exposed for Sale by or be found in the Possession of any Importer or Manufacturer of or Dealer in or Retailer of Tobacco, he shall forfeit either treble the Value thereof or the Penalty of Twenty Pounds, and all such Tobacco shall be forfeited:

Provided nevertheless, that if at the Time of the passing of this Act any Manufacturer of or Dealer in Tobacco shall have in his Possession any Foreign Cavendish or Negrohead Tobacco, he may bring the same to any Customs Warehouse approved for the wrapping and labelling of Cavendish or Negrohead Tobacco, and may there wrap and label the same, first rendering an Account thereof, and showing to the Satisfaction of the Commissioners of Customs that the Duty thereon upon the Importation thereof has been duly paid; and if any Foreign Cavendish or Negrohead Tobacco shall be found in the Possession of any Manufacturer of or Dealer in Tobacco after the Expiration of Twenty-eight Days from the passing of this Act, not being so wrapped and labelled as aforesaid, the same shall be forfeited and such Manufacturer of or Dealer in Tobacco shall forfeit either treble the Value thereof or the Penalty of Twenty Pounds, at the Election of the Commissioners of Customs or Inland Revenue.

Labels to be provided, and Forgery thereof punishable by Imprisonment with Hard Labour.

7. The Labels by this Act directed to be provided by the Commissioners of Customs shall be printed or stamped with such Device as they shall think proper; and if any Person shall forge or counterfeit any such Label or the Device thereon, or shall utter any such Label or Device knowing the same to be forged or counterfeited, he shall, on Conviction of such Offence, be imprisoned in the House of Correction, with Hard Labour, for any Term not exceeding Six Calendar Months nor less than Three Calendar Months.

Vendors to obliterate Labels on Sale of Packets before Delivery.

8. If any Retail Dealer or Vendor of any Packet of Cavendish or Negrohead Tobacco, labelled as required by this Act, shall fail on the Sale thereof to obliterate, before Delivery to the Purchaser, the Label so as to render the same incapable of being again used for the same Purpose he shall forfeit the Penalty of Twenty Pounds.

Cavendish or Negrohead Tobacco not to be imported except to be warehoused.

9. No Cavendish or Negrohead Tobacco containing the Leaves of Trees or Plants other than of the Tobacco Plant shall be imported into Great Britain and Ireland, nor shall any Cavendish or Negrohead Tobacco be imported into Great Britain and Ireland, except to be warehoused in the first instance in some Warehouse approved by the Commissioners of Customs for Security of Duties of Customs on Tobacco; and if any such Cavendish or Negrohead Tobacco shall be imported contrary hereto, or being imported shall not be forthwith duly entered and warehoused, the same shall be forfeited, and the

Importer thereof, and every Dealer or other Person concerned in the Importation thereof, or to whose Hands the same shall come, shall forfeit either treble the Value thereof or the Penalty of One hundred Pounds, at the Election of the Commissioners of Customs.

Importation of Tobacco (except Cavendish or Negro-head) containing prohibited Ingredients forfeited.

10. All manufactured Tobacco (other than Cavendish or Negro-head) imported into or found in Great Britain and Ireland containing or having mixed therewith any Material or Ingredient prohibited by any Act in force to be used in the Manufacture in the United Kingdom of Tobacco shall be forfeited; and the Importer thereof and any Dealer or other Person concerned in the Importation thereof or to whose Hands the same may come shall forfeit either the treble Value thereof or the Penalty of One hundred Pounds, at the Election of the Commissioners of Customs.

Commissioners of Customs may make Rules and Regulations for carrying out this Act.

11. It shall be lawful for the Commissioners of Customs from Time to Time to make such Rules and Regulations as shall appear to them to be necessary or proper for regulating the safe Removal of any Tobacco, or of any Surplus, or Stalks, Waste, or Refuse thereof to any Warehouse, Part or Division of any Warehouse, or from any such Warehouse, Part or Division of a Warehouse, to another for the Purposes of this Act, and for securing the same against fraudulent Abstraction, and also for regulating the Times of opening and closing any such Warehouses or Parts or Divisions of a Warehouse, and the Admission of Workmen for the Purpose of manufacturing and packing, wrapping, and labelling the Tobacco therein, and also to make all such other Rules and Regulations as they shall think fit for the Purpose of carrying out the Object and Intention of this Act in all Cases not herein expressly provided for, and to require such Security by Bond or otherwise for the Purposes above mentioned, and for Security of the Duties on Tobacco, as they shall see fit.

Officers of Customs or Inland Revenue may carry out Provisions of the Act.

12. Any Duty or Service required by this Act to be done or performed by any Officer of Customs may be done by any Officer of Customs or Inland Revenue or Excise, or other Person appointed for that Duty or Service by the Commissioners of Customs or the Commissioners of Inland Revenue respectively, and every such Officer or other Person shall be deemed to be the proper Officer for such Duty or Service.

How Penalties and Forfeitures are to be prosecuted for and recovered.

13. All Penalties and Forfeitures which may be incurred under this Act may be prosecuted, sued for, and recovered by Order of the Commissioners of Customs or the Commissioners of Inland Revenue under this or any other Act or Acts relating to the Customs, Inland Revenue, or Excise respectively.

14. Pro-

14. Provided always, That (save and except so far as regards the several Descriptions of Tobacco called respectively Cavendish and Negrohead, enclosed in Wrappers, labelled as herein-before directed,) nothing in this Act contained shall be construed, deemed, or taken to repeal, alter, or affect any of the Provisions contained in an Act passed in the Third and Fourth Years of Her Majesty's Reign, Chapter Eighteen, intituled "An Act to discontinue the Excise "Survey on Tobacco, and to provide other Regulations in lieu "thereof;" and an Act passed in the Fifth and Sixth Years of Her Majesty's Reign, Chapter Ninety-three, to amend the last-mentioned Act, but that (save and except as aforesaid) all Clauses, Provisions, and Penalties contained in or imposed by the said Acts or either of them, and in force at the Time of the passing of this Act, shall remain and be put in execution and enforced as if this Act had not been passed.

This Act not to repeal the Provisions of 3 & 4 Vict. c. 18. and 5 & 6 Vict. c. 93.

15. This Act shall come into operation on the Day of the passing thereof; and in citing it in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Manufactured Tobacco Act, 1863."

Commencement of Act.

Short Title.

A

BILL

[AS AMENDED IN COMMITTEE]

For altering the Duties on Tobacco and permitting the Manufacture of Cavendish and Negrohead in Bond.

(*Prepared and brought in by Mr. Massey, Mr. Chancellor of the Exchequer, and Mr. Peel.*)

Ordered, by The House of Commons, *to be Printed,* 9 *March* 1863.

[Bill 56.]

Under 2 oz.

295

A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

FOR

Altering the Duties on Tobacco, and permitting the Manufacture of Cavendish and Negrohead in Bond.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Duties on manufactured Tobacco.

1. In lieu of the Duties of Customs now charged upon the several Kinds of Tobacco under mentioned, the following Duties shall be charged and paid thereon upon Importation into Great Britain and Ireland from and after the passing of this Act:

			£	*s.*	*d.*
Tobacco, manufactured, viz.:					
„	„	Segars - - the lb.	0	5	0
„	„	Cavendish or Negrohead, the lb. - - - - -	0	4	6
„	„	Snuff, containing more than 13 lbs. of Moisture in every 100 lbs. Weight thereof, the lb.	0	3	9
„	„	Snuff, not containing more than 13 lbs. of Moisture in every 100 lbs. Weight thereof, the lb.	0	4	6
„	Other manufactured Tobacco - the lb.		0	4	0

	£	*s.*	*d.*
Tobacco, unmanufactured, containing 10 lbs. or more of Moisture in every 100 lbs. Weight thereof - the lb. with 5 per Cent. thereon.	0	3	0
,, ,, containing less than 10 lbs. of Moisture in every 100 lbs. Weight thereof - the lb.	0	3	6

Provided, that no Tobacco packed and prized shall on the Importation thereof be examined as to the Quantity of Moisture contained therein, except by special Order of the Commissioners of Customs.

And there shall be charged and paid on every Pound of Cavendish and Negrohead Tobacco manufactured in Bond, as herein-after provided, on the Entry thereof for Home Consumption, the Duty of Customs of - - - - - 0 4 0

Upon every Pound of Tobacco manufactured in Great Britain and Ireland upon which the Duties of Customs on Importation shall have been paid, on the same being by any licensed Manufacturer exported as Merchandize, or deposited in any Bonded Warehouse to be used as Ship's Stores, and packed in whole and complete Cases, each containing not less than Eighty Pounds net Weight of such Tobacco, there shall be allowed on such Exportation or Deposit thereof a Drawback of Three Shillings and Threepence, in lieu of the Drawback now allowed by Law on the Exportation of Tobacco, subject to such Increase or Reduction in the Amount of such Drawback as may result from the Examination of such Tobacco or a Sample or Samples thereof under the following Rule; that is to say,

> If on the Examination of such Tobacco the Proportion of Moisture contained therein shall be found to exceed Thirteen Pounds in every One hundred Pounds Weight thereof a Reduction of Three Shillings and Threepence shall be made in the Drawback allowed in respect of every Pound of such Excess of Moisture, but if the Proportion of Moisture contained therein shall be found to be less than Thirteen Pounds in every One hundred Pounds Weight thereof an Increase shall be made in the Drawback allowed of Three Shillings and Threepence in respect of every Pound below Thirteen Pounds in every One hundred Pounds Weight thereof:

And the Drawback allowed by this Act on the Exportation of Tobacco as Merchandize shall be ascertained and paid with all convenient Speed after the Shipment thereof, and the Drawback allowed on the Deposit of Tobacco in the Warehouse for use as Ships Stores shall be assessed at the Time of the Deposit thereof or as soon after as conveniently may be, and the same shall be paid at the Rate per Pound so assessed as and when such Tobacco or any Part or Parts thereof shall have been duly shipped and exported:

Provided

Provided always, that no Tobacco shall be exported from any Ports or Places which shall not have been approved for the Importation of Tobacco, and no Drawback shall be allowed upon any Tobacco, except Snuff, in which the inorganic Matter contained therein shall exceed the Proportion of Twenty-two Pounds in every One hundred Pounds Weight of such Tobacco, exclusive of Water; and if such Tobacco shall contain less than Twenty-two Pounds and more than Eighteen Pounds of such inorganic Matter in every One hundred Pounds Weight, exclusive of Water, a Deduction shall be made from the Drawback allowed of Three Shillings and Threepence in respect of every Pound of such Excess of inorganic Matter above Eighteen Pounds in the One hundred Pounds as aforesaid: Nor shall any Drawback be allowed upon any Tobacco in which the Sand contained therein shall exceed Two Pounds in every One hundred Pounds of such Tobacco, exclusive of Water: Nor shall any Drawback be allowed on the Exportation of any Cavendish or Negrohead Tobacco manufactured in Bond and delivered for Home Consumption: Nor shall any Drawback be allowed upon any Tobacco in which there shall be found more than Twenty-five Pounds of Tobacco Stalks in every One hundred Pounds Weight of such Tobacco, exclusive of Water; nor unless the Tobacco Stalks contained therein shall have been fairly cut in the same with Portions of the Lamina of the Leaf adhering thereto: Provided nevertheless, that the full Drawback of Three Shillings and Threepence per Pound shall be allowed upon Snuff on the Exportation thereof, if the Quantity of inorganic Matter contained therein does not exceed the Proportion of Eighteen Pounds in every One hundred Pounds Weight of such Snuff, exclusive of Water; but if it contain more than that Proportion of inorganic Matter a Deduction shall be made from the Drawback allowed of Three Shillings and Threepence in respect of every Pound of such Excess above the Proportion of Eighteen Pounds in the Hundred: And in assessing the Duty on any Package of Tobacco imported into Great Britain and Ireland, or in calculating the Drawback allowable on the Exportation or Deposit in the Warehouse of any Package of Tobacco from Great Britain and Ireland, no Duty shall be charged or a Drawback allowed in respect of any Fraction of a Pound: And it shall be lawful for the Officers of Customs for the Purposes of this Act to take Samples of any Tobacco imported into or entered for Exportation from Great Britain and Ireland, or deposited in the Warehouse to be used as Ship's Stores: And in case any Dispute shall arise as to the Quantity of Moisture contained in any Tobacco imported into Great Britain and Ireland, or as to the Quantity of Water or inorganic Matter, including Sand, contained in any Tobacco upon which Drawback is claimed on Exportation, it shall be lawful for the Officers of Customs to submit any such Tobacco or Samples thereof to the

Officers of Inland Revenue or Excise for Examination, and the Decision of such Officers of Inland Revenue or Excise as to the Quantity of Moisture or inorganic Matter contained therein shall be final, and the Amount of Duty or Drawback in respect thereof shall be determined accordingly.

Commissioners may appoint Warehouses for Manufacture of Tobacco in Bond.

2. The Commissioners of Customs shall or may by Order under their Hand from Time to Time direct in what Warehouses or in what Parts or Divisions of any Warehouses, now approved or appointed or hereafter to be approved or appointed, for the Security of Duties on Tobacco under this or any Act in force relating to the Customs, so long as such Appointment or Approval shall remain unrevoked, the Processes of manufacturing or converting unmanufactured Tobacco into Cavendish or Negrohead, and the weighing, making into Parcels, wrapping up, and labelling of Cavendish or Negrohead, whether of British or Foreign Manufacture, may respectively be carried on, and how and in what Manner such Warehouses, or Parts or Divisions thereof, shall be secured by Locks, Fastenings, or otherwise, and shall and may require such Security by Bond or otherwise as they shall deem necessary from the Importer or Manufacturer of any Tobacco which shall be deposited therein for Security of the Duty due on such Tobacco or other Materials or Ingredients, or brought therein or thereto for the Purpose of being manufactured or used in the Manufacture thereof, or for the Purpose of being packed, wrapped, or labelled as aforesaid, or for the due and safe Removal of such Tobacco or other Materials or Ingredients from One Warehouse to another, or from One Part or Division of any Warehouse to any other Part or Division of the same or any other Warehouse, and for the due Observance of the Terms, Conditions, and Requirements of this Act, and of the Rules and Regulations of the Commissioners in respect thereof.

Cavendish or Negrohead may be manufactured in Bond.

3. It shall be lawful for licensed Manufacturers of Tobacco to manufacture in such Warehouses, or Parts or Divisions thereof, as shall be approved by the Commissioners of Customs for the Manufacture of Tobacco in Bond, the several Descriptions of Tobacco respectively called or known as Cavendish and Negrohead from any Leaf or other unmanufactured Tobacco duly warehoused for Security of Duties of Customs, and to use in such Manufacture Materials or Ingredients for sweetening or flavouring the same (not being the Leaves of Trees or Plants other than of the Tobacco Plant), anything to the contrary in any other Act in force to the contrary notwithstanding; and it shall also be lawful for any such Manufacturer or any Importer of Cavendish or Negrohead Tobacco, in such Warehouse, Part or Division of such Warehouse, to pack or make up, wrap,

wrap, and label in Parcels of the Weight and in the Manner hereinafter mentioned any Cavendish or Negrohead Tobacco which shall have been so manufactured in Bond as aforesaid, or which shall have been imported in the manufactured State: Provided, that such Manufacture and the packing or making up, wrapping and labelling thereof, shall be done and performed in accordance with and under such Terms and Conditions as are prescribed by this Act, and under and subject to such other Rules and Regulations as the said Commissioners shall from Time to Time see fit to direct.

Cavendish and Negrohead Tobacco not to be delivered for Home Consumption, except on Conditions.

4. No Cavendish or Negrohead Tobacco, whether imported and warehoused as such or manufactured in the Warehouse, shall be delivered from any Warehouse for Home Consumption or otherwise except under the following Conditions:

Packets.

1. Such Tobacco shall be made into separate Packets of such Weights respectively as the Commissioners of Customs shall direct, not exceeding One Pound nor less than One Ounce each:

Wrappers.

2. Each such Packet shall be enclosed by or at the Expense of the Importer or Manufacturer in a Wrapper approved by the Commissioners of Customs:

Labels.

3. Each such Wrapper shall be securely fastened by a Label, to be provided by the Commissioners of Customs, and pasted on such Wrapper by such Importer or Manufacturer so that the same cannot be opened nor any Part of the Contents of such Package be abstracted without tearing or destroying such Label, or cutting or destroying the Wrapper thereof, at any other Part or Place than that on which the Label is pasted or secured:

Payment of Duty on Foreign.

4. Before any Cavendish or Negrohead Tobacco imported and warehoused shall be made into Packets or Parcels as aforesaid the same shall be duly entered for Home Consumption, and the full Duty of Customs paid thereon:

Payment of Duty on British.

5. When any unmanufactured Tobacco shall have been manufactured or converted into Cavendish or Negrohead in the Warehouse the same shall be duly entered for Home Consumption, and the full Duties of Customs shall be paid upon the Tobacco so manufactured before the same is made into Packets:

Surplus of British not packed to be re-warehoused.

6. If any Tobacco so manufactured in the Warehouse shall not be made into Packets for Home Consumption the same shall be re-warehoused either for Exportation or for future packing, wrapping, and labelling for Home Consumption, if at any Time afterwards required for that Purpose:

Disposal of Stalks, Refuse, &c.

7. All Stalks, Waste, and other Refuse remaining after and from the Manufacture of Cavendish or Negrohead Tobacco in the

Warehouse or from the packing thereof shall be destroyed in the Presence of the proper Officer of Customs or be re-warehoused for Exportation, at the Option of the Manufacturer:

Books to be kept.

8. Every licensed Manufacturer shall enter in a Book, to be supplied to him by the said Commissioners, in such Form and Manner as they shall direct, the following and such other Particulars as the said Commissioners shall require; viz.,

Particulars required.

The Weights, Quantities, and Particulars of all unmanufactured Tobacco and other Materials and Ingredients received by him into such Warehouse for the Purpose of being manufactured;

The Weight and Quantities thereof consumed in such Manufacture;

The Weight, Quantities, and Particulars of unmanufactured Tobacco, Materials, Ingredients, Stalks, Waste, and other Refuse remaining after or caused by such Manufacture;

The Quantity of Cavendish or Negrohead produced by such Manufacture;

The Quantity thereof made up into Packets, wrapped, labelled and delivered for Home Consumption, with the Number of Packets of each Size or Weight respectively;

The Quantity thereof re-warehoused for Home Consumption or otherwise, and the Quantity of Tobacco, Materials, Ingredients, Stalks, Waste, or other Refuse returned into the Customs Warehouse to be destroyed:

Book to be accessible to Officers.

9. Every such Book shall be kept in the Warehouse and shall be at all Times accessible to the Officers of Customs, who may make Minutes in or take Extracts therefrom, and such Manufacturer shall correctly keep such Book in the Manner required, and shall not cancel or obliterate the same or any Part thereof, or make any Alteration in any Entry therein, except for Correction of any Errors, with the Sanction and in the Presence of the proper Officer of Customs:

Penalty for Noncompliance.

Every licensed Manufacturer, Dealer, or other Person engaged in such Warehouse in any of the Operations aforesaid who shall refuse or neglect to comply with any of the foregoing Conditions shall for every such Offence forfeit the Sum of Twenty Pounds.

Account of Stock of Tobacco and Materials remaining in Warehouse to be taken, and Balance to be struck;

5. From Time to Time when and as often as the Officer of Customs, having Charge of any such approved Warehouse shall deem it to be necessary or proper, and at least once in every Year, the Stock of Tobacco manufactured and unmanufactured, and all Materials and Ingredients to be used in such Manufacture as aforesaid, remaining in such Warehouse shall be weighed in the Presence of the said Officer, and an Account thereof shall be taken, and a Balance shall be struck,

of

of all Tobacco, Materials, and Ingredients received into such Warehouse, and of all manufactured Tobacco and Stalks and Refuse of Tobacco lawfully delivered thereout; and if the Quantity by Weight of such Tobacco, Materials, and Ingredients remaining in the said Warehouse shall be less than the Quantity which, according to the Balance of such Account, after making such Allowance for Waste by Evaporation in the Process of Manufacture as to the proper Officer of Customs may appear reasonable, and as may be in accordance with any Rules made by the Commissioners of Customs, ought to be found therein, the Deficiency shall be deemed to be so much Tobacco fraudulently removed from such Warehouse without Payment of the Duties of Customs thereon, and the said Manufacturer shall forfeit the Sum of One hundred Pounds, and moreover the Amount of such Duty shall be recoverable as a Debt due to Her Majesty.

Deficiency to be deemed Tobacco fraudulently removed.

6. If any Tobacco of either of the Descriptions called respectively Cavendish and Negrohead, whether of Foreign or British Manufacture, containing or having mixed therewith any Material or Ingredient prohibited by any Act in force, to be used in the Manufacture in the United Kingdom of Tobacco of the like Description, and not being enclosed in a Wrapper securely fastened by such Label as aforesaid, or of which such Wrapper or Label shall have been cut or torn, obliterated, or cancelled, or bear any other Mark or Appearance of having been opened or tampered with, shall be sold or exposed for Sale by or be found in the Possession of any Importer or Manufacturer of or Dealer in or Retailer of Tobacco, he shall forfeit either treble the Value thereof or the Penalty of Twenty Pounds, and all such Tobacco shall be forfeited:

Penalty on Sale, &c. of Cavendish or Negrohead Tobacco not enclosed and labelled.

Provided nevertheless, that if at the Time of the passing of this Act any Manufacturer of or Dealer in Tobacco shall have in his Possession any Foreign Cavendish or Negrohead Tobacco, he may bring the same to any Customs Warehouse approved for the wrapping and labelling of Cavendish or Negrohead Tobacco, and may there wrap and label the same, first rendering an Account thereof, and showing to the Satisfaction of the Commissioners of Customs that the Duty thereon upon the Importation thereof has been duly paid; and if any Foreign Cavendish or Negrohead Tobacco shall be found in the Possession of any Manufacturer of or Dealer in Tobacco after the Expiration of Twenty-eight Days from the passing of this Act, not being so wrapped and labelled as aforesaid, the same shall be forfeited and such Manufacturer of or Dealer in Tobacco shall forfeit either treble the Value thereof or the Penalty of Twenty Pounds, at the Election of the Commissioners of Customs or Inland Revenue.

Labels to be provided, and Forgery thereof punishable by Imprisonment with Hard Labour.

7. The Labels by this Act directed to be provided by the Commissioners of Customs shall be printed or stamped with such Device as they shall think proper; and if any Person shall forge or counterfeit any such Label or the Device thereon, or shall utter any such Label or Device knowing the same to be forged or counterfeited, he shall, on Conviction of such Offence, be imprisoned in the House of Correction, with Hard Labour, for any Term not exceeding Six Calendar Months nor less than Three Calendar Months.

Vendors to obliterate Labels on Sale of Packets before Delivery.

8. If any Retail Dealer or Vendor of any Packet of Cavendish or Negrohead Tobacco, labelled as required by this Act, shall fail on the Sale thereof to obliterate, before Delivery to the Purchaser, the Label so as to render the same incapable of being again used for the same Purpose he shall forfeit the Penalty of Twenty Pounds.

Cavendish or Negrohead Tobacco not to be imported except to be warehoused.

9. No Cavendish or Negrohead Tobacco containing the Leaves of Trees or Plants other than of the Tobacco Plant shall be imported into Great Britain and Ireland, nor shall any Cavendish or Negrohead Tobacco be imported into Great Britain and Ireland, except to be warehoused in the first instance in some Warehouse approved by the Commissioners of Customs for Security of Duties of Customs on Tobacco; and if any such Cavendish or Negrohead Tobacco shall be imported contrary hereto, or being imported shall not be forthwith duly entered and warehoused, the same shall be forfeited, and the Importer thereof, and every Dealer or other Person concerned in the Importation thereof, or to whose Hands the same shall come, shall forfeit either treble the Value thereof or the Penalty of One hundred Pounds, at the Election of the Commissioners of Customs.

Importation of Tobacco (except Cavendish or Negrohead) containing prohibited Ingredients forfeited.

10. All manufactured Tobacco (other than Cavendish or Negrohead) imported into or found in Great Britain and Ireland containing or having mixed therewith any Material or Ingredient prohibited by any Act in force to be used in the Manufacture in the United Kingdom of Tobacco shall be forfeited; and the Importer thereof and any Dealer or other Person concerned in the Importation, harbouring, or concealing thereof, or to whose Hands the same may come, shall forfeit either the treble Value thereof or the Penalty of One hundred Pounds, at the Election of the Commissioners of Customs.

Commissioners of Customs may make Rules and Regulations for carrying out this Act.

11. It shall be lawful for the Commissioners of Customs from Time to Time to make such Rules and Regulations as shall appear to them to be necessary or proper for regulating the safe Removal of any Tobacco, or of any Surplus, or Stalks, Waste, or Refuse thereof to any Warehouse, Part or Division of any Warehouse, or from any such

such Warehouse, Part or Division of a Warehouse, to another for the Purposes of this Act, and for securing the same against fraudulent Abstraction, and also for regulating the Times of opening and closing any such Warehouses or Parts or Divisions of a Warehouse, and the Admission of Workmen for the Purpose of manufacturing and packing, wrapping, and labelling the Tobacco therein, and also to make all such other Rules and Regulations as they shall think fit for the Purpose of carrying out the Object and Intention of this Act in all Cases not herein expressly provided for, and to require such Security by Bond or otherwise for the Purposes above mentioned, and for Security of the Duties on Tobacco, as they shall see fit.

Officers of Customs or Inland Revenue may carry out Provisions of the Act.

12. Any Duty or Service required by this Act to be done or performed by any Officer of Customs may be done by any Officer of Customs or Inland Revenue or Excise, or other Person appointed for that Duty or Service by the Commissioners of Customs or the Commissioners of Inland Revenue respectively, and every such Officer or other Person shall be deemed to be the proper Officer for such Duty or Service.

How Penalties and Forfeitures are to be prosecuted for and recovered.

13. All Penalties and Forfeitures which may be incurred under this Act may be prosecuted, sued for, and recovered by Order of the Commissioners of Customs or the Commissioners of Inland Revenue under this or any other Act or Acts relating to the Customs, Inland Revenue, or Excise respectively.

CLAUSE A. Mode of estimating Penalties per Value.

14. In any Suit or Prosecution for the Recovery of any Penalty or Forfeiture under this or any other Act relating to the Customs in respect of any manufactured Tobacco, whether the same shall consist of Cigars, Snuff, Tobacco Stalks, Tobacco Stalk Flour, Snuff Work, or other Article manufactured wholly or in part from Tobacco, it shall be sufficient to describe the same in any Information or other Proceeding had thereon as manufactured Tobacco, and it shall be so deemed for the Purpose of such Suit or Prosecution; and in estimating the Amount of any Penalty determinable by the Value of the Article with the Duty of Importation chargeable thereon, the same shall be ascertained, as to the Tobacco, at the Market Price in London, at or about the Time of the Offence, of Tobacco of the like Sort or Denomination of the best Quality; and, as to the Duty, at the Rate then chargeable on the Importation of Tobacco of the like Sort or Denomination; but if the Tobacco, the Subject of such Prosecution, be of a Kind prohibited to be imported, a Sum equal to the highest Rate of Duty then chargeable on the Importation of any Sort of manufactured Tobacco shall be added to the Price of the Tobacco: And as to any unmanufactured Tobacco, in estimating the Amount of

any Penalty in respect thereof for the Purpose of any Suit or Prosecution, the same shall be determined by the Market Price in London, at or about the Time of the Offence, of unmanufactured Tobacco of the best Quality, with the highest Rate of Duty then chargeable on the Importation of unmanufactured Tobacco added thereto.

This Act not to repeal the Provisions of 3 & 4 Vict. c. 18. and 5 & 6 Vict. c. 93.

15. Provided always, That nothing in this Act contained shall be construed, deemed, or taken to repeal, alter, or affect any of the Provisions contained in an Act passed in the Third and Fourth Years of Her Majesty's Reign, Chapter Eighteen, intituled "An Act "to discontinue the Excise Survey on Tobacco, and to provide other "Regulations in lieu thereof;" and an Act passed in the Fifth and Sixth Years of Her Majesty's Reign, Chapter Ninety-three, to amend the last-mentioned Act, save and except so far as the same are altered or varied by this Act.

Commencement of Act.

Short Title.

16. This Act shall come into operation on the Day of the passing thereof; and in citing it in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Manufactured Tobacco Act, 1863."

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

For altering the Duties on Tobacco and permitting the Manufacture of Cavendish and Negrohead in Bond.

(Prepared and brought in by Mr. Massey, Mr. Chancellor of the Exchequer, and Mr. Peel.)

Ordered, by The House of Commons, *to be Printed,* 19 *March* 1863.

[Bill 66.]

Under 2 oz.

Tobacco Duties.

1 *June* 1863. 26 Vict.

A

BILL

TO

Render uniform the Law with respect to fishing for Trout and other Fish not of the Salmon Kind, in Scotland.

WHEREAS the Right of fishing by single Rod and Line, for Trout and other Fresh-water Fish not of the Salmon Kind, in Scotland, is regulated chiefly by the Common Law of that Part of the United Kingdom; but Questions have arisen how far certain statutory Provisions for the Protection of Fish of the Salmon Kind in certain Rivers and Streams in that Country are applicable also to such other Fish; and it is expedient that the Law with respect to fishing in manner aforesaid for such other Fish should be uniform throughout Scotland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. No Person shall be liable to any Prosecution or other Proceeding, or to any Penalty, in respect of fishing by single Rod and Line for Trout or other Fresh-water Fish not of the Salmon Kind, in any River, Stream, Loch, or other Water in Scotland, further or otherwise Prosecutions, &c. in respect of fishing for Trout &c. to be proceeded with

under the Common Law.

otherwise than under the Common Law of that Part of the United Kingdom.

Short Title.

2. This Act may be cited for all Purposes as "The Trout, &c. Fishing (Scotland) Act, 1863."

A

B I L L

TO

Explain the Act for the Amendment of the Law relative to gratuitous Trustees in Scotland.

Preamble. 24 & 25 Vict. c. 84.

WHEREAS an Act was passed in the Twenty-fourth and Twenty-fifth Years of the Reign of Her present Majesty, intituled "An Act to amend the Law in Scotland relative "to the Resignation, Powers, and Liabilities of gratuitous Trustees:" And whereas Doubts have arisen as to the Trusts to which the recited Act applies: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Recited Act applies to Trusts, at whatever Time constituted.

1. The recited Act is and shall be applicable to all Trusts constituted by virtue of any Deed or Local Act of Parliament under which gratuitous Trustees are nominated, at whatever Time such Trusts may have been or may be constituted.

LORDS AMENDMENT

TO THE

TRUSTEES (SCOTLAND) ACT AMENDMENT BILL.

After Clause 1 add Clause A.

CLAUSE A. The Expression ("gratuitous Trustees") in the recited Act and this Act shall extend to and include gratuitous Trustees who are appointed or who hold *ex officio*.

Recited Act and this Act to apply to gratuitous Trustees *ex officio*.

[Bill 272.]

LORDS AMENDMENT

TO THE

TRUSTEES (SCOTLAND) ACT AMENDMENT BILL.

Ordered, by The House of Commons, *to be Printed*,
24 *July* 1863.

[Bill 272.]

Under 1 *oz.*

A

BILL

TO

Amend the Law relating to the Repair of Turnpike Roads in England, and to continue certain Turnpike Acts in Great Britain.

WHEREAS it is expedient to amend the Law relating to the Repair of Turnpike Roads, and to continue for limited Times the Acts herein-after specified: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. Whereas Doubts are entertained whether Highway Boards established under the Act of the Session of the Twenty-fifth and Twenty-sixth Years of the Reign of Her present Majesty, Chapter Sixty-one, are liable to contribute to the Repair of Turnpike Roads in pursuance of the Act of the Session of the Fourth and Fifth Years of the Reign of Her present Majesty, Chapter Fifty-nine, and the Acts continuing the same: Be it enacted, That where any Turnpike Road is situate in a Parish that is included in a Highway District, an Order may be made on the Highway Board of the District to contribute to the Repair of that Road under the same Circumstances under which an Order for the same Purpose may be made on the Parish Surveyor in Amendment of 4 & 5 Vict. c. 59.

in pursuance of the said Act of the Session of the Fourth and Fifth Years of the Reign of Her present Majesty, Chapter Fifty-nine, as continued as aforesaid; and for the Purposes of the said last-mentioned Act, the Highway Board shall be deemed to be substituted for the Parish Surveyor, and any Rate leviable by the Board for the Rate or Assessment levied or to be levied by the said Surveyor as in the said Act mentioned, and any Moneys paid by the Board for the Purposes or in pursuance of the last-mentioned Act, shall be deemed to be Expenses incurred by the Board in respect of the Repair of Highways in the Parish in which the Turnpike Road is situate for which Contribution is required.

Continuation of Acts, except 10 G. 4. c. xviii. 11 G. 4. c. lxxxviii. 1 W. 4. c. i. 1 W. 4. c. xxviii. 1 W. 4. c. xlii. 1 & 2 W. 4. c. xli.

2. The Acts mentioned in the Schedule to this Act annexed shall continue in force until the *First Day of November One thousand eight hundred and sixty-four*, and no longer, unless Parliament in the meantime continues the same; but every other Act now in force for regulating, making, amending, or repairing any Turnpike Road in Great Britain which will expire at or before the End of the next Session of Parliament shall continue in force until the *First Day of November One thousand eight hundred and sixty-four and to the End of the then next Session of Parliament*, except an Act of the Tenth Year of King George the Fourth, Chapter Eighteen, "for amending, "altering, and improving the Roads leading to the Town of Oke- "hampton in the County of Devon, and making and maintaining a "certain new Road to communicate therewith;" an Act of the Eleventh Year of King George the Fourth, Chapter Eighty-eight, "for repairing the Turnpike Road from the Top of Whitesheet Hill "to the Wilton Turnpike Road at or near Barford in the County of "Wilts;" an Act of the First Year of King William the Fourth, Chapter One, "for more effectually repairing and otherwise im- "proving the Road from Highgate in the County of Middlesex, "through Whetstone, to Chipping Barnet in the County of Hertford, "and the Road from Chipping Barnet to the Thirteen Milestone "near Gannick Corner in the Parish of South Mims in the said "County of Middlesex;" an Act of the same Year, Chapter Twenty-eight, "for more effectually amending and widening the Road from "a Place near the Village of Milford in the County of Surrey, "through Halsemere, to the Forty-third Milestone at Carpenter's "Heath, and from thence to a Bridge near the Blue Bell Inn, over "Houndley's Water, at the Boundary of the said County of Surrey;" an Act of the same Year, Chapter Forty-two, "for more effectually "repairing and maintaining the Road over Horley Common in the "County of Surrey to a Place called Black Corner, and from thence "to the Brighthelmston Turnpike Road at Cuckfield in the County "of Sussex;" and an Act of the First and Second Years of King William

William the Fourth, Chapter Forty-one, "for more effectually re-
" repairing and improving certain Roads leading to and from the
" Town of Cirencester in the County of Gloucester, and Wootton
" Bassett in the County of Wilts."

3. This Act may be cited for all Purposes as "The Annual Turnpike Acts Continuance Act, 1863." Short Title.

SCHEDULE.

52 G. 3. c. vii. An Act for continuing the Term and altering and enlarging the Powers of Two Acts of His present Majesty, for repairing the Road from Alfreton to Mansfield in the Counties of Derby and Nottingham, and other Roads therein mentioned.

52 G. 3. c. xxxi. An Act for enlarging the Term and Powers of an Act of King George the Second, and Two Acts of His present Majesty, for repairing the Roads from Chesterfield to Hernstone Lane Head, with its Branches; and for amending and making a certain other Road to communicate therewith, all in the County of Derby.

53 G. 3. c. lxxxix. An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Road from Peterborough to Thorney, in the Isle of Ely, in the County of Cambridge.

53 G. 3. c. cc. An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Road from the Market Place in Bicester in the County of Oxford to the Buckingham Turnpike Road in Aynho in the County of Northampton; and for extending the Powers of the said Act to an adjoining Branch of Road.

55 G. 3. c. xi. An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Road from Dunchurch to Southam in the County of Warwick.

57 G. 3. c. v. An Act for repairing the Road from the Cross Hands on the Worcester and Oxford Turnpike Road to Halford Bridge, and other Roads therein mentioned, in the Counties of Gloucester, Warwick, and Worcester.

57 G. 3. c. xxvii. An Act for more effectually improving the Road from Richmond in the County of York to Lancaster in the County of Lancaster, and the Road from Richmond to Lucy Cross, and from Gilling to the Turnpike Road on Gatherley Moor, in the County of York

58 G. 3. c. xlv. An Act for continuing and amending an Act of His late Majesty, and Two Acts of His present Majesty, for repairing several Roads leading to and from the Town of Wincanton, and the Roads communicating therewith, in the Counties of Somerset, Wilts, and Dorset.

59 G. 3. c. xliii. An Act for continuing the Term and enlarging the Powers of Three Acts of the Reign of His late and present Majesty, for amending several Roads therein mentioned, so far as relate to the Road from Wrexham in the County of Denbigh to Pentre Bridge in the County of Flint; and for making a new Branch of Road from the said Road at a Place near Abermorddu to Mold in the said County of Flint.

An

An Act for more effectually repairing and improving the Road from the Town of Pool in the County of Montgomery, through Oswestry in the County of Salop, to Wrexham in the County of Denbigh, and several other Roads therein mentioned in the said Counties and in the County of Merioneth; and for making several new Branches of Roads to communicate with the said Roads in the Counties of Salop, Montgomery, and Denbigh. 1 G. 4. c. xlv.

An Act for repairing the Road from Chatteris Ferry, through Somersham, to the Crown Inn in Saint Ives, and also the Road branching out of the said Road, near Stock's Bridge, through Needingworth, to Hermitage Bridge in the Parish of Earith in the County of Huntingdon. 1 G. 4. c. lxxix.

An Act for continuing and amending Two Acts of His late Majesty, for repairing the Roads from Gander Lane in the County of Derby to Sheffield in the County of York, and from Mosbrough Green to Clown, both in the said County of Derby; and also for widening and altering certain Parts of the said Roads, and making and maintaining certain Branches of Road communicating therewith. 1 & 2 G. 4. c. liv.

An Act for repairing Part of the great Road from Gloucester to Bristol, and certain Roads through and near the Towns of Berkeley, Dursley, Wotton-under-Edge and Stroud, and other Roads therein mentioned, in the Counties of Gloucester and Wilts. 1 & 2 G. 4. c. lxxxii.

An Act for continuing the Term and altering, amending, and enlarging the Powers of the several Acts passed for repairing the Road from the Bars at Boughton, within the Liberties of the City of Chester, to Whitchurch, and from thence to Newport in the County of Salop, and other Roads in the said Acts mentioned, so far as relate to the First District of Roads in the said Acts mentioned, and for diverting a certain Part of the Road comprised within the said District. 3 G. 4. c. xi.

An Act for continuing the Term and altering the Powers of Three Acts for repairing the Roads leading from the Ryeway in the Parish of Yarpole in the County of Hereford to Presteigne in the County of Radnor, and several other Roads therein mentioned in the said County of Radnor and in the Counties of Hereford and Salop. 3 G. 4. c. xvi.

An Act for continuing the Term and altering, amending, and enlarging the Powers of several Acts, for repairing the Roads therein mentioned in the Counties of Denbigh and Flint, so far as relate to the Road from Ruthin in the County of Denbigh to Mold in the County of Flint. 3 G. 4. c. xli.

An Act for amending and keeping in repair the Road from the Turnpike Gate at the Bottom of White Street Hill in the Parish of Donhead Saint Andrew in the County of Wilts, through the Towns of Shaftesbury, Milborne Port, and Sherborne in the Counties of Dorset and Somerset, to the Half-Way House in the Parish of Nether, otherwise Lower Compton, in the said County of Dorset, and several other Roads communicating therewith. 3 G. 4. c. lxii.

An Act to repeal several Acts passed for repairing several Roads leading to the Town of Bridgewater in the County of Somerset, and several other Roads therein mentioned, so far as the said Acts relate to the Roads leading to the said Town, and to consolidate and comprise the same in One Act of Parliament. 3 G. 4. c. lxv.

3 G. 4. c. lxxxvii. An Act for more effectually amending, improving, and keeping in repair the Roads leading from certain Bridges over the River Wye, called Whitney Bridge and Bredwardine Bridge, in the County of Hereford, towards the Town of Hay in the County of Brecon.

3 G. 4. c. xciv. An Act for repairing and improving several Roads leading to and from the Town of Caerleon in the County of Monmouth.

4 G. 4. c. l. An Act for repairing the Road from Sage Cross in the Town of Melton Mowbray in the County of Leicester to the Town of Grantham in the County of Lincoln.

4 G. 4. c. lxii. An Act for more effectually repairing the Roads from Dyed Way to Somerton, and from Gawbridge to Tintinhull Fords, and from a Stream of Water called Ford to Cartgate in Martock, and other Roads therein mentioned, in the County of Somerset.

4 G. 4. c. lxxxii. An Act for improving and keeping in repair the Road from Tarporley in the County Palatine of Chester to the South-east End of Acton Forge near Weverham in the same County.

5 G. 4. c. xi. An Act for amending and maintaining the Roads leading from the Town of Newent in the County of Gloucester, and other Roads in the Counties of Gloucester and Hereford.

5 G. 4. c. xiv. An Act for more effectually repairing and improving so much of the Road from Keswick in the County of Cumberland, by Dunmail Raise and Ambleside, to Kirkby in Kendal in the County of Westmorland, as is situate in the said County of Westmorland, and also the Road from Plumbgarth's Cross, near Kirkby in Kendal aforesaid, to the Lake called Windermere, in the County of Westmorland.

5 G. 4. c. xxviii. An Act for repairing the Road leading from the Worcester Turnpike Road in the Village of Broadway in the County of Worcester to the Stratford-upon-Avon Turnpike Road in the Village of Mickleton in the County of Gloucester.

5 G. 4. c. xxx. An Act for repairing, improving, and maintaining several Roads leading to and from Cerne Abbas in the County of Dorset.

5 G. 4. c. xxxii. An Act for more effectually amending the Roads from Whitchurch in the County of Salop to that Part of the Road leading from Nantwich in the County of Chester to Newcastle-under-Lyne in the County of Stafford, which passes through the Township of Madeley in the said County of Stafford; and also from Hinstock in the said County of Salop to Nantwich aforesaid.

5 G. 4. c. lxxxvi. An Act for amending and improving the Road from Sacred Gate in the Township of Thorngumbald to Pattrington Haven, and from the Guide Post in Winestead to the Township of South Frodingham in the East Riding of the County of York.

6 G. 4. c. vii. An Act for more effectually repairing the Roads from the Turnpike Road upon Gatherley Moor in the County of York to Staindrop in the County of Durham, and from the said Turnpike Road near Smallways, across the River Tees, to Winston in the said County of Durham.

An

An Act for repairing the Road from Stockton to Barnard Castle in the County of Durham. 6 G. 4. c. xiii.

An Act for more effectually repairing and improving the Road from Stockport in the County Palatine of Chester to near New Houses in the County of York, and other Roads in the said Counties, and in the County Palatine of Lancaster; and for making and maintaining several new Branches to communicate therewith. 6 G. 4. c. xxvii.

An Act for making and maintaining a Turnpike Road from Brighouse in the Parish of Halifax to Denholme Gate in the Parish of Bradford in the West Riding of the County of York. 6 G. 4. c. xliv.

An Act for more effectually repairing and improving the Roads from Sheet Bridge to Portsmouth and from Petersfield to the Alton and Alresford Turnpike Road near Ropley in the County of Southampton, and for making and maintaining a new Branch of Road to communicate therewith. 6 G. 4. c. lxxxvii.

An Act for making and maintaining a Turnpike Road from the Town of Denbigh in the County of Denbigh to Pentre Voelas in the said County, and from thence to Fynnon Eidda in the County of Carnarvon. 6 G. 4. c. cxlviii.

An Act for making and maintaining a Turnpike Road from Doncaster, through Hatfield, to Baln Croft Barn near Thorne, with One Branch therefrom, in the West Riding of the County of York. 6 G. 4. c. clxxxv.

An Act for maintaining and improving the Road leading from Pengate in the Parish of Westbury to a Place formerly called Price's Warren Gate at Tinhead in the Parish of Edington in the County of Wilts, and other Roads near or adjoining the said Roads, in the Counties of Wilts and Somerset. 7 G. 4. c. xv.

An Act for repairing the Road from the Thirty-three Mile-stone in the Parish of Ruscombe in the County of Berks towards Reading to a Place called the Seven Mile-stone in the Parish of Beenham in the same County, and a certain other Road communicating therewith. 7 G. 4. c. lxxiii.

An Act for more effectually repairing and improving the Roads from the North-west Parts of the County of Lincoln, through Nettleham Fields, Wragby Lane, and Baumber Fields, to the North-east Part of the said County, and other Roads therein described in the said County and in the City of Lincoln. 7 & 8 G. 4. c. vii.

An Act for more effectually repairing and improving the Road from Frodsham to the South End of Wilderspool Causeway, within Appleton, in the County Palatine of Chester; and for making and maintaining a certain Extension or new Branch of Road to communicate therewith. 7 & 8 G. 4. c. lxii.

An Act for repairing the Road from Barton Waterside House to Riseham Hedge Corner and other Roads in the County of Lincoln connected therewith. 7 & 8 G. 4. c. lxvii.

An Act for repairing the Road from the present Turnpike Road in the Parish of Hursley in the County of Southampton to Andover, and from thence to Newbury, and from Newbury to Chilton Pond, in the County of Berks. 9 G. 4. c. xlvii.

9 G. 4. c. lxxi. An Act for more effectually repairing and maintaining the Road from the City of Chester to the Town of Frodsham in the County of Chester, and from the said Town of Frodsham to Ashton Lane End in the same County.

10 G. 4. c. lxxxii. An Act for more effectually repairing the Road from Brampton to Longtown in the County of Cumberland.

10 G. 4. c. xciii. An Act for more effectually repairing and improving several Roads which lead to and through the town and Borough of Chard in the County of Somerset, and for making and maintaining a new Road from Chard to Drempton in the County of Dorset.

11 G. 4. c. ii. An Act to enlarge the Term and Powers of an Act for more effectually improving the Roads to and from the Town of Great Torrington in the County of Devon.

11 G. 4. c. iv. An Act for repairing certain Turnpike Roads leading to and from Thirsk in the County of York.

11 G. 4. c. vii. An Act for repairing and improving the Road from the Nottingham and Mansfield Turnpike Road, through Kirkby and Pinxton, to Carter Lane, and to the Colliery near Pinxton Green in the Counties of Nottingham and Derby

11 G. 4. c. xxi. An Act for more effectually repairing, amending, widening, and improving the Road from the West Cowgate, near Newcastle-upon-Tyne, to the Alemouth Turnpike Road in the County of Northumberland, and for making and maintaining other Roads communicating therewith.

11 G. 4. c. xxiv. An Act for repairing the Road from Wool Bridge to the Borough of Dorchester in the County of Dorset.

11 G. 4. c. xxxviii. An Act for maintaining the Road from Haverhill in the County of Suffolk to Redcross in the Parish of Great Shelford in the County of Cambridge.

11 G. 4. c. lxxxii. An Act for more effectually repairing and improving the Roads from Lewes, through Offham, to Witch Cross; from the Cliffe near Lewes, through Uckfield, to Witch Cross; and from the said Cliffe, through Ringmer, Heathfield, and Burwash, to Hurst Green, all in the County of Sussex.

11 G. 4. c. lxxxvi. An Act for amending an Act of the last Session, entitled an Act for more effectually repairing and improving several Roads which lead to and through the Town and Borough of Chard in the County of Somerset and for making and maintaining a new Road from Chard to Drempton in the County of Dorset; and for making and maintaining other Roads communicating with the said Roads in the Counties of Somerset, Devon, and Dorset.

11 G. 4. c. xcix. An Act for amending and improving the Road from Tonbridge to Ightham, and other Roads communicating therewith, in the County of Kent.

1 W. 4. c. xlv. An Act for repairing and maintaining the Road leading from the High Road between Bromley and Farnborough in the County of Kent to Beggars Bush in the Turnpike Road leading from Tonbridge Wells to Maresfield in the County of Sussex.

1 W. 4. c. lxii. An Act for more effectually repairing and improving the Roads called "The Pucklechurch or Lower District of Roads," in the Counties of Gloucester and Wilts.

An

An Act for more effectually repairing the Road from North Shields in the County of Northumberland to the Town of Newcastle-upon-Tyne, and certain Branches communicating therewith; and also for making and repairing additional Branches of Road. 1 & 2 W. 4. c. lxxii.

An Act for maintaining and improving the Turnpike Roads leading from Ashford to Buxton, and from Tideswell to Blackwell, and from Edensor to Ashford, all in the County of Derby. 2 W. 4. c. iii.

An Act for more effectually repairing and improving the Road from Hardingston to Old Stratford in the County of Northampton. 2 W. 4. c. iv.

An Act for more effectually repairing and otherwise improving the Road from Ipswich to Stratford Saint Mary in the County of Suffolk. 2 W. 4. c. v.

An Act for diverting, altering, repairing, maintaining, and improving the several Turnpike Roads within the District of Newport in the County of Monmouth. 2 W. 4. c. xiv.

An Act for repairing and otherwise improving the Road from Brough Ferry to South Newbald Holmes, and from Brough to Welton, in the East Riding of the County of York. 2 W. 4. c. xv.

An Act for repairing the Road leading out of the Bedford and Newport Pagnell Turnpike Road, near Bromham Grange, in the County of Bedford, to Olney and other Places in the County of Buckingham. 2 W. 4. c. xviii.

An Act for improving and maintaining the Road from or near Mytholm Royd Bridge in the West Riding of the County of York, communicating with the Road at or near to the Sixth Mile Stone from Rochdale, in the County of Lancaster. 2 W. 4. c. xix.

An Act for more effectually repairing the Road from Downham Market to Barton, and to a Place called the Devil's Ditch, all in the County of Norfolk. 2 W. 4. c. xxi.

An Act for more effectually repairing and improving the Road from the Town of Cockermouth to the Town of Workington, and a Branch of Road over Broughton High Bridge, unto and as far as the public Highway leading from the Village of Papcastle, towards and unto the Village of Great Broughton, in the County of Cumberland. 2 W. 4. c. xxix.

An Act for more effectually repairing and improving the Road leading from the Alfreton Turnpike Road near Mansfield, through Tibshelf and Morton, to the Nottingham Turnpike Road near Tansley, and other Roads connected therewith, in the Counties of Nottingham and Derby. 2 W. 4. c. xxxii.

An Act for more effectually repairing the Road from Ightham in the County of Kent to the Turnpike Road leading from London to Maidstone, in the said County. 2 W. 4. c. lxii.

An Act for making a Turnpike Road from the Parish of Cann Saint Rumbold, near Shaftesbury in the County of Dorset, through Cranbourne Chase and the New Forest, to the Bell Inn at Brook in the Parish of Bramshaw in the County of Southampton, together with Two Branches therefrom. 2 W. 4. c. lxiv.

An Act for more effectually repairing, improving, and maintaining the Road from Barwtry to Selby in the West Riding of the County of York. 2 W. 4. c. lxxiii.

2 W. 4. c. lxxiv. An Act for more effectually repairing and improving certain Roads leading to and through the Town of Goudhurst in the County of Kent.

2 W. 4. c. lxxxv. An Act for improving certain Roads within the Counties of Worcester, Salop, and Stafford, called "The Dudley and New Inn District of Roads."

2 W. 4. c. lxxxvi. An Act for making and maintaining a Turnpike Road from the Town of Doncaster to the Town and Port of Selby in the West Riding of the County of York.

2 W. 4. c. xcvii. An Act for more effectually repairing and amending the Marlborough District of the Road from Swindon to Marlborough, and from Marlborough to Everley, in the County of Wilts, and also the Branch Road from the same to the present Turnpike Road from Andover to Devizes; and for making a Road from the said Branch Road at Collingbourn Ducis to join the present Turnpike Road from Andover to Salisbury in the said County.

2 & 3 W. 4. c. cix. An Act for maintaining certain Roads in the Neighbourhood of the Towns of Beverley, of Kingston-upon-Hull, and of North Cave, called "The Beverley, Hessle, and North Cave Turnpike Roads."

6 W. 4. c. lxxxvii. An Act to vary and alter the Line of the Marlborough and Salisbury Road, and for making a Road from the same to Amesbury, in the County of Wilts.

1 Vict. c. xli. An Act to alter, amend, and enlarge the Powers and Provisions of an Act passed in the Seventh Year of the Reign of His late Majesty King George the Fourth, intituled An Act for repairing the Road from the Thirty-three Mile-stone in the Parish of Ruscombe in the County of Berks, towards Reading, to a Place called the Seven Mile-stone in the Parish of Beenham in the said County, and a certain other Road communicating therewith.

13 & 14 Vict. c. lxxxv. An Act for repairing the Road leading from a certain Point in the Kennington Road in the Parish of Saint Mary Lambeth in the County of Surrey to Highgate in the County of Sussex, and thence to Witchcross in the same County, and several other Roads therein mentioned.

18 & 19 Vict. c. cxxxvi. An Act to repeal the Acts passed for repairing the Road from Hedon, through Preston and Bilton, to Hull, and other Roads, in the County of York, and to make other Provisions in lieu thereof (so far as the same relates to the Second District).

A

BILL

TO

Confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.

WHEREAS by an Act of the Fifteenth Year of Her Majesty, Chapter Thirty-eight, "to facilitate Arrangements for the Relief of Turnpike Trusts, and to make "certain Provisions respecting Exemptions from Tolls," herein-after referred to as the Principal Act, Power is given to One of Her Majesty's Principal Secretaries of State to make Provisional Orders for reducing the Rate of Interest and for extinguishing the Arrears of Interest on Mortgage Debts charged or secured on the Revenues of Turnpike Roads, in Cases where such Revenues are insufficient for the Payment in full of the Interest charged thereon: And whereas by the Act of the Session of the Twenty-fourth and Twenty-fifth Years of the Reign of Her present Majesty, Chapter Forty-six, the Principal Act is extended to Turnpike Roads the Acts relating to which are continued by any Annual Turnpike Acts Continuance Act, although their Revenues are not insufficient for such Payments as aforesaid: And whereas, in pursuance of the Principal Act, and the said Act extending the same, the several Provisional Orders referred

Preamble. 14 & 15 Vict. c. 38.

to in the Schedule hereto have been made by Her Majesty's Principal Secretary of State for the Home Department, and there are stated in the said Schedule the Dates of such Orders, and such Particulars relating thereto as are therein specified: And whereas it is expedient that the said Provisional Orders should be confirmed and made absolute: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisional Orders confirmed.

1. The several Provisional Orders, the Dates of which are set forth in the First Column of the said Schedule, are hereby confirmed, and the Provisions thereof shall be of the like Force and Effect as if they had been expressly enacted by Parliament.

SCHE-

SCHEDULE.

Date of Provisional Order.	TITLE OF LOCAL ACT referred to in Provisional Order.	Amount of Principal Debt.	Interest to be reduced to the following Rates per Annum.	Dates from which reduced Rate of Interest to commence.
1862.		£ s. d.		
1 July	3 Wm. 4. c. 92., "An Act for more effectually repairing the Roads leading from Swindon to the Centre of Christian Malford Bridge, from Calne to Lyneham Green, and from the Direction Post in Long Leaze Lane near Lydiard Marsh to Cricklade, in the County of Wilts.".	5,330 0 0	4*l.* per Cent.	11 July 1862 (certain Arrears extinguished.)
0 July	9 Geo. 4. c. 49., "An Act for more effectually repairing, widening, and improving the Roads from Gosport, through Fareham and Wickham, to Bishop's Waltham, and from Wickham aforesaid to Chawton Pond in the Parish of Chawton, all in the County of Southampton."	8,850 0 0	3*l.* 10*s.* per Cent.	25 Mar. 1862.
0 Aug.	4 Geo. 4. c. 27., "An Act for amending the Road from Offington Corner in the Parishes of Broadwater and West Tarring, or One of them, in the County of Sussex, by Findon, Washington Hill Rock, and Ashington Common, to Dial Post, and from thence by Nep Castle, to the Steyning Turnpike Road at West Grinsted Park in the said County, and for making a new Branch of Road to communicate therewith."	1,662 10 0	3*l.* 10*s* per Cent.	31 Dec. 1861.
3 Sept.	1 & 2 Wm. 4. c. 40., "An Act for improving and maintaining the Road from the South Side of a Bridge over the River Colne, called Engine Bridge, in the Township of Huddersfield, in the West Riding of the County of York, to Woodhead in the County Palatine of Chester, and from thence to a Bridge over the River Mersey, called Enterclough Bridge, on the Confines of the County of Derby."	4,371 13 10	3*l.* per Cent.	1 June 1862.
24 Oct.	1 & 2 Wm. 4. c. 43., "An Act for repairing the Road from the Town of Wisbech in the Isle of Ely in the County of Cambridge to the Town of Thorney in the same Isle and County."	5,900 0 0	3*l.* 10*s.* per Cent.	30 Nov. 1862.

Date of Provisional Order.	TITLE OF LOCAL ACT referred to in Provisional Order.	Amount of Principal Debt.	Interest to be reduced to the following Rates per Annum.	Dates from which reduced Rate of Interest to commence
1862.		£ s. d.		
24 Oct.	7 Geo. 4. c. 92., "An Act for more effectually repairing and improving several Roads leading to and from the Towns of Newton Bushell, South Bovey, and Moretonhampstead, in the County of Devon," amended by the 6 Wm. 4. c. 84. - - -	4,750 0 0 (Part of Debt.)	4*l.* per Cent.	29 Sept. 186
27 Oct.	1 Wm. 4. c. 33., "An Act for more effectually repairing the Road from Stopham Bridge in the Parish of Pulborough to the Direction Post in the Parish of Steyning, on the Turnpike Road leading from Steyning to Horsham, in the County of Sussex."	3,587 10 0	3*l.* 10*s.* per Cent.	1 Jan. 186 (Arrears extinguished
28 Oct.	1 Wm. 4. c. 70., "An Act for more effectually repairing and improving the Roads from Tunbridge Wells in the County of Kent to the Cross Ways at or near Maresfield Street, and from Florence Farm to Forest Row in the County of Sussex" - -	800 0 0 1,500 0 0	3*l.* per Cent.	31 May 186
12 Nov.	10 Geo. 4. c. 115., "An Act for more effectually repairing and improving the Road from the Bottom of Church Lane in the Town of Newcastle-under-Lyme in the County of Stafford to the Road leading from Woore to Chester, near Nantwich, in the County Palatine of Chester, and other Roads therein mentioned."	3,137 0 0	4*l.* per Cent.	31 Dec. 186 (Certain A rears exti guished.)
12 Nov.	2 Wm. 4. c. 30., "An Act for more effectually repairing and improving the Road from Odiham in the County of Southampton to Farnham in the County of Surrey."	1,590 0 0	3*l.* per Cent.	1 Jan. 1862 (Arrears extinguished
13 Nov.	1. Wm. 4. c. 13., "An Act for more effectually repairing the Road from the Rotherham and Mansfield Turnpike Road, at or near Clown in the County of Derby, to the Worksop and Kelham Turnpike Road at or near Budby in the County of Nottingham."	7,810 18 9	One Penny per Cent.	31 Dec. 186 (Arrears extinguished
21 Nov.	1 Wm. 4. c. 32., "An Act for more effectually repairing and improving the Road from the City of Norwich to North Walsham in the County of Norfolk."	2,500 0 0	3*l.* 10*s.* per Cent.	29 Mar. 186

Date of Provisional Order.	TITLE OF LOCAL ACT referred to in Provisional Order.	Amount of Principal Debt.	Interest to be reduced to the following Rates per Annum.	Dates from which reduced Rate of Interest to commence.
1862.		£ *s.* *d.*		
27 Nov.	59 Geo. 3. c. 12., "An Act for continuing "and amending Three Acts of His late "and present Majesty, for repairing the "Road from Kighley to Halifax in the "West Riding of the County of York."	4,108 15 8	4*l.* per Cent.	5 April 1862.
28 Nov.	1 Wm. 4. c. 61., "An Act for maintaining "and improving the Road from Titchfield "to Cosham in the County of South-"ampton."	11,300 0 0	2*l.* 10*s.* per Cent.	25 Sept. 1862. (Arrears extinguished).
5 Dec.	59 Geo. 3. c. 121., "An Act to repeal so "much of an Act of the Fortieth Year "of His present Majesty, for repairing "certain Roads in the County of Mon-"mouth, as relates to the Pont Pool and "Usk Districts of Road, and for grant-"ing other Powers in lieu thereof, and "for making a new Branch of Road from "the said Usk District," so far as the same relates to the said "Usk District."	400 0 0 2,110 7 2	3*l.* 10*s.* per Cent.	25 Mar. 1862.
5 Dec.	1 Wm. 4. c. 66., "An Act for more effec-"tually repairing several Roads in and "near the Town of Bruton, and other "Roads, in the Counties of Somerset "and Wilts, and for making and main-"taining Two other Roads communi-"cating therewith" - - -	5,350 0 0 2,550 0 0 1,550 0 0	3*l.* 10*s.* per Cent. 3*l.* 3*s.* per Cent. 2*l.* 16*s.* per Cent.	31 Dec. 1862.
8 Dec.	1 & 2 Wm. 4. c. 23., "An Act for conso-"lidating the Trusts of certain Roads "called the Breamish and Wooler Turn-"pike Roads, in the County of North-"umberland, and for more effectually "improving and maintaining the same"	2,000 0 0 4,000 0 0	3*l.* per Cent.	31 Aug. 1860.
16 Dec.	5 Geo. 4. c. 14., "An Act for more effec-"tually repairing and improving so "much of the Road from Keswick in "the County of Cumberland, by Dun-"mail Raise and Ambleside, to Kirkby "in Kendal in the County of Westmor-"land, as is situate in the said County "of Westmorland; and also the Road "from Plumbgarth's Cross, near Kirkby "in Kendal aforesaid, to the Lake "called Windermere, in the County of "Westmorland."	1,794 10 0	4*l.* per Cent.	31 Dec. 1862.
1863.				
19 Jan.	1 Wm. 4. c. 40., "An Act for making and "maintaining a Turnpike Road from "the City of Coventry to Stoney Stan-"ton in the County of Leicester, to "unite with the present Turnpike Road "there leading through Narborough to "the Borough of Leicester." - -	1,750 0 0 (Non-preferential Debt.)	One Penny per Cent.	31 Dec. 1862. (Arrears extinguished.)

Date of Provisional Order.	TITLE OF LOCAL ACT referred to in Provisional Order.	Amount of Principal Date.	Interest to be reduced to the following Rates per Annum.	Dates from which reduced Rate of Interest to commence.
1863.		£ s. d.		
26 Jan.	11 Geo. 4. c. 104., "An Act for more effectually repairing the Roads from Hand Cross, through Cowfold, to Corner House, and from thence to the Turnpike Road from Horsham to Steyning, and from Corner House aforesaid to the Maypole in the Town of Henfield, and certain Branches therefrom, all in the County of Sussex."	2,525 0 0	1*l.* per Cent.	31 Dec. 1861.
17 Feb.	1 Wm. 4. c. 12., "An Act for repairing the Road from Measham in the County of Derby to Fieldon Bridge in the County of Warwick, and other Roads communicating therewith, in the Counties of Derby, Leicester, and Warwick," united with the 1 Wm. 4. c. 14., "An Act for repairing the Watling Street Road, the Manchester and Wolvey Heath Road, and other Roads communicating therewith in the Counties of Leicester and Warwick" - - - -	1,809 0 0	4*l.* per. Cent.	1 Jan. 1863.
17 Mar.	5 Geo. 4. c. 145., "An Act for repairing the Roads leading out of the Turnpike Road between Poole and Wimborne Minster into the Turnpike Road between Blandford-Forum and Dorchester; and for repairing and improving the Roads from Durweston Bridge to Caundle Bishop, from Bagber Common to Holton Street, and from North Cheriton to Lattiford, all in the Counties of Dorset and Somerset," amended by the 1 & 2 Wm. 4. c. 30.	6,150 0 0	4*l.* per Cent.	31 Dec. 1862.
1 April	1 Geo. 4. c. 45., "An Act for more effectually repairing and improving the Road from the Town of Pool in the County of Montgomery, through Oswestry in the County of Salop, to Wrexham in the County of Denbigh, and several other Roads therein mentioned in the said Counties and in the County of Merioneth; and for making several new Branches of Roads to communicate with the said Roads in the Counties of Salop, Montgomery, and Denbigh," so far as the same relates to the Oswestry Roads - -	2,985 4 6 1,445 0 0	4*l.* per Cent.	30 June 1862.
2 June	1 & 2 Wm. 4. c. 13., "An Act for making a Turnpike Road (with a Branch therefrom) from the Angel Inn, near Darlington, in the County of Durham, to Barton Lane End in the County of York" - - -	6,233 4 0 6,276 10 0 (subscribed Debt)	3*l.* per Cent. One Penny per Cent.	31 Dec. 1862

Date of Provisional Order.	TITLE OF LOCAL ACT referred to in Provisional Order.	Amount of Principal Debt.	Interest to be reduced to the following Rates per Annum.	Dates from which reduced Rate of Interest to commence.
1863.		£ *s.* *d.*		
30 June	7 Geo. 4. c. 79., "An Act for more effectually repairing the Road from Ashborne in the County of Derby to Leek in the County of Stafford, and from Ryecroft Gate upon Rushton Common to Congleton in the County of Chester," amended by the 10 Geo. 4. c. 29. and the 7 Wm. 4. c. 45.	1,663 9 11	4*l.* per Cent.	29 Sept. 1863.

Turnpike Trusts Arrangements.

A

B I L L

To confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.

(*Prepared and brought in by Mr. Bruce and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed,* 13 *July* 1863.

[Bill 227.]

Under 1 *oz.*

245

LORDS AMENDMENTS

TO THE

TURNPIKE TRUSTS ARRANGEMENTS BILL.

In the Schedule. Page 6. After ("3*l.* per Cent.") insert in the Fifth Column ("31 Dec. 1862.")

At End of same Column add ("Arrears extinguished.")

[Bill 269.]

LORDS AMENDMENTS

TO THE

TURNPIKE TRUSTS ARRANGEMENTS BILL.

Ordered, by The House of Commons, *to be Printed*,
24 *July* 1863.

[Bill 269.]

Under 1 oz.

5 *May* 1863. 26 Vict.

A

B I L L

TO

Repeal so much of the Act of Uniformity as relates to Fellows and Tutors in any College, Hall, or House of Learning.

WHEREAS by an Act passed in the Fourteenth Year of King Charles the Second, commonly called The Act of Uniformity, it was enacted, amongst other things, that all Fellows and Tutors of or in any College, Hall, or House of Learning who at any Time after a Day therein mentioned should have Possession of any Fellowship, or should instruct or teach any Youth as Tutor, should at or before their respective Admission to be Incumbent or have Possession aforesaid subscribe the Declaration or Acknowledgment following: Preamble.

'I A.B. do declare, That it is not lawful upon any Pretence whatsoever to take Arms against the King, and that I do abhor that traitorous Position of taking Arms by His Authority against His Person or against those commissionated by Him; and that I will conform to the Liturgy of the Church of England as it is now by Law established:'

And whereas by another Act passed in the First Session of Parliament of the First Year of King William and Queen Mary it was enacted, that so much of the said Declaration as is expressed in these Words:

'I A. B. declare, That it is not lawful upon any Pretence whatsoever 'to take Arms against the King, and that I do abhor that 'traitorous Position of taking Arms by His Authority against His 'Person, or against those commissioned by him,'

Should not from thenceforth be required and enjoined: And whereas it is expedient that so much of the said Declaration as remains unrepealed should not be required of any Fellow or Tutor of any College, Hall, or House of Learning: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

No Fellow or Tutor of any College, Hall, or House of Learning to be required to make Declaration.

1. That after the *passing of this Act* no Fellow or Tutor of any College, Hall, or House of Learning shall be required or enjoined to make or subscribe the said Declaration, nor shall any such Person suffer any Penalty or Forfeiture by reason of his not making or subscribing the same.

A

B I L L

TO

Extend for a further Period the Provisions of the Union Relief Aid Act of the last Session.

Preamble. WHEREAS by an Act of the last Session of Parliament Provisions were made to enable the Boards of Guardians of certain Unions situate wholly or in part within the Counties of Lancaster, Chester, or Derby, to obtain temporary Aid to meet the extraordinary Demands for Relief therein, which Provisions applied to the Expenditure during the Quarters of the Year ending at Michaelmas and Christmas last only, and it is necessary that such Provisions should be extended for a further Period: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Extension of Powers of the Union Relief Aid Act of 1862. **1.** That all the Provisions of the said Act which apply to the Expenditure during the Quarters of the Year ending as aforesaid shall be extended and apply to the Expenditure for the Quarters ending respectively *at Lady Day, Midsummer Day, Michaelmas Day, and Christmas Day in the present Year, and at Lady Day in the next ensuing Year.*

 2. The

Limit of Time for issuing Orders.

2. The Power of the Poor Law Board to issue their Orders under this Act shall determine on the *First Day of June One thousand eight hundred and sixty-four.*

Construction of the Act.

3. This Act shall be construed in the same Manner as the Act herein referred to, and all the Provisions and Enactments therein contained shall be applicable to Orders to be issued under the Authority of this Act.

2 *March* 1863. 26 Vict.

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Extend for a further Period the Provisions of the Union Relief Aid Act of the last Session.

Preamble.

WHEREAS by an Act of the last Session of Parliament Provisions were made to enable the Boards of Guardians of certain Unions situate wholly or in part within the Counties of Lancaster, Chester, or Derby, to obtain temporary Aid to meet the extraordinary Demands for Relief therein, which Provisions applied to the Expenditure during the Quarters of the Year ending at Michaelmas and Christmas last only, and it is necessary that such Provisions should be extended for a further Period: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Extension of Powers of the Union Relief Aid Act of 1862.

1. That all the Provisions of the said Act which apply to the Expenditure during the Quarters of the Year ending as aforesaid shall be extended and apply to the Expenditure for the Quarters ending respectively at Lady Day and Midsummer Day next.

Clause A. Repayment of Sums borrowed.

2. Any Sum borrowed under the Authority of this Act may be repaid by equal annual Instalments not exceeding Fourteen.

5. The

CLAUSE B. Interpretation.

3. The Word "Expenditure," in Section Five of the said Act, shall be construed to include the Amount paid under any Order of Contribution issued by the Poor Law Board pursuant to the said Act or this Act.

CLAUSE C. Provision for the Cases of Unions in more than One County.

4. When the Union applying for Aid under this Act shall extend into Two or more Counties each of such Counties shall contribute to such Aid; and the Amount required shall be apportioned between such Counties, according to the annual rateable Value of so much of the Union as shall be situate within such Counties respectively; and where the Union required to contribute under this Act shall be situate in Two or more Counties it shall contribute only upon the annual rateable Value of so many of the Parishes of the Union as shall be wholly within the County or Counties within which the Union applying for Aid is situate, and the Contribution shall be borne exclusively by such Parishes, and shall be apportioned by the Guardians between such Parishes according to their rateable Values respectively, in Exoneration of the Common Fund of the Union.

CLAUSE D. Parishes within the Union of Mansfield.

5. The Parishes comprised within the Mansfield Union, in the County of Nottingham, shall be exempted from the Operation of Section One of the said Act of the last Session.

CLAUSE E. Parishes under separate Board of Guardians may borrow.

6. The Powers to borrow conferred by Section Three of the said Act of the last Session, and by this Act, shall extend to the Overseers of any Parish under a separate Board of Guardians in either of the said Counties.

CLAUSE F. Aid from Parishes not in Union.

7. The several Parishes in the said Counties not in Union, and not under a separate Board of Guardians, shall contribute in aid according to their annual rateable Value.

Limit of Time for issuing Orders.

8. The Power of the Poor Law Board to issue their Orders under this Act shall determine on the First Day of September next.

Construction of the Act.

9. This Act shall be construed, except as herein-after provided, in the same Manner as the Act herein referred to, and all the Provisions and Enactments therein contained shall be applicable to Orders to be issued under the Authority of this Act.

A

BILL

TO

Extend for a further Period the Provisions of the Union Relief Aid Acts.

WHEREAS it is expedient that the Provisions of the Act of the last Session of Parliament, intituled "An Act to "enable Boards of Guardians of certain Unions to obtain "temporary Aid to meet the extraordinary Demands for Relief "therein," and of the Act of the present Session whereby such Provisions were extended for a further Period, should be again extended for a limited Period: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Extension of the Union Relief Aid Acts to Michaelmas and Christmas next.

1. That the Provisions of the said Acts shall be further extended and apply to the Expenditure for the Quarters of the Year which shall end respectively at *Michaelmas Day and Christmas Day in this Year.*

Time for issuing the Orders of the Poor Law Board limited.

2. The Power of the Poor Law Board to issue any Order under this Act shall determine *on the First Day of April next.*

3. The

Title of the Acts.

3. The Acts referred to and this Act may be cited and described for all Purposes as The Union Relief Aid Acts, 1862, 1863.

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Extend for a further Period the Provisions of the Union Relief Aid Acts.

Preamble.

WHEREAS it is expedient that the Provisions of the Act of the last Session of Parliament, intituled "An Act to "enable Boards of Guardians of certain Unions to obtain "temporary Aid to meet the extraordinary Demands for Relief "therein," and of the Act of the present Session whereby such Provisions were extended for a further Period, should be again extended for a limited Period: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Extension of the Union Relief Aid Acts to Michaelmas and Christmas next.

1. That the Provisions of the said Acts shall be further extended and apply to the Expenditure for the Quarters of the Year which shall end respectively at Michaelmas Day and Christmas Day in this Year, except that instead of "Five Shillings" in the Fourth Section of the said Act of the last Session, the Words "Six Shillings and Sixpence" shall be substituted with reference to such Expenditure.

Time for issuing the Orders of the Poor Law Board limited.

2. The Power of the Poor Law Board to issue any Order under this Act shall determine on the First Day of April next.

3. The

CLAUSE A. Public Works Loan Commissioners authorized to make Advances not exceeding 200,000*l.* to Guardians under this Act.

3. The Guardians of any Union or Parish within the Operation of this Act may, with the Consent of the Poor Law Board, apply to the Public Works Loan Commissioners for an Advance of any Sum which such Guardians shall be entitled to borrow under the Authority of this Act; and the said Commissioners may, out of the Money for the Time being at their Disposal, make such Advance upon the Security of the Rates for the Relief of the Poor in such Union or Parish, and without requiring any further or other Security than a Charge on such Rates; provided that the aggregate Advances to be made by such Commissioners under this Section shall not exceed Two hundred thousand Pounds.

Title of the Acts.

4. The Acts referred to and this Act may be cited and described for all Purposes as The Union Relief Aid Acts, 1862, 1863.

Vaccination (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Parents and Guardians of Children born after 1st January 1864 to have such Children vaccinated within Six Months after Birth; Sect. 1.

Children to be taken for Inspection by Medical Officer on Eighth Day after the Operation; 2.

Certificate of successful Vaccination to be delivered; 3.

If the Child be not in a fit State for Vaccination, the Medical Officer to deliver a Certificate to that Effect, to be in force for Two Calendar Months; 4.

Repeal of Sect. 2 of 21 & 22 Vict. c. 64.—Rate of Payment for successful Cases of Vaccination; 5.

Child's Incapacity to receive the Vaccine Disease to be certified; 6.

Registrars of Births and Deaths to keep a Register of Cases of successful Vaccination, of which Searches and Extracts may be made; 7.

Notice to be given of the Requirement of Vaccination, and on Failure of Parent or Guardian to comply therewith, Penalty; 8.

Fee to Registrar; 9.

Penalty for omitting to register Vaccination; 10.

Registrar General to provide Books and Forms for carrying out the Provisions of this Act; 11.

Recovery of Penalties; 12.

Guardians of Poor may direct Proceedings to be instituted; 13.

SCHEDULES.—Forms.

A

BILL

TO

Further extend and make compulsory the Practice of Vaccination in Ireland.

WHEREAS by an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her Majesty, intituled "An Act "to provide for the better Distribution, Support, and "Management of Medical Charities in Ireland, and to amend an Act "of the Eleventh Year of Her Majesty, to provide for the Execution "of the Laws for Relief of the Poor in Ireland," it is provided that the Medical Officer of every District constituted under the said Act shall, and he is thereby required to vaccinate all Persons who may come to him for that Purpose, subject to such Regulations as may be issued by the Poor Law Commissioners in that Behalf; and by another Act, passed in the Twenty-first and Twenty-second Years of Her said Majesty, intituled "An Act to make further Provision for "the Practice of Vaccination in Ireland," it is provided that the Committee of Management of every Dispensary District in Ireland shall, subject to the Approbation of the Commissioners, divide such Dispensary District into so many Vaccination Districts as they may deem advisable and necessary, and shall report such Districts to the Commissioners for their Approval, and shall require the Medical Officer of such District to attend at some convenient Place within each Vaccination District,

Preamble.

14 & 15 Vict. c. 68.

21 & 22 Vict. c. 64.

to be approved of by the said Committee, at such Times as the said Committee may fix or approve; and the said Medical Officer is thereby required to vaccinate all Persons resident in his District, who may come to him for that Purpose, or whom he may be requested to vaccinate, being fit Subjects for Vaccination, subject to such Regulations as may be issued by the Commissioners in that Behalf: And whereas it is expedient that the Practice of Vaccination in Ireland should be still further extended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Parents and Guardians of Children born after *1st January 1864* to have such Children vaccinated within Six Months after Birth.

1. The Father or Mother of every Child born in Ireland, after the *First Day of January One thousand eight hundred and sixty-four*, or in the event of the Death, Illness, Absence, or Inability of the Father and Mother, then the Person who shall have the Care, Nurture, or Custody of the said Child shall, as soon as may be practicable, and within *Six* Calendar Months after the Birth of such Child, take or cause to be taken the said Child to the Medical Officer of the Dispensary District in which the said Child is resident, for the Purpose of being vaccinated, unless he shall have been previously vaccinated by some duly qualified Medical Practitioner, and the Vaccination duly certified; and the said Medical Officer shall, and he is hereby required thereupon, or as soon after as it may conveniently and properly be done, to vaccinate the said Child: Provided, that in the Vaccination of Children who are Inmates of the Workhouse, or other public or charitable Institution, the Master, Matron, or chief Officer of the Workhouse or other such Institution shall take the Steps required to be taken under the Provisions of this Act by the Father or Mother of the Child, or other Person having the Care, Nurture, or Custody thereof.

Children to be taken for Inspection by Medical Officer on Eighth Day after the Operation.

2. Upon the *Eighth* Day following the Day on which any Child has been vaccinated as aforesaid, the Father or Mother, or other Person having the Care, Nurture, or Custody of the said Child, shall again take or cause to be taken the said Child to the Medical Officer by whom the Operation was performed, in order that such Medical Officer may ascertain by Inspection the Result of such Operation.

Certificate of successful Vaccination to be delivered.

3. Upon and immediately after the successful Vaccination of any Child, the Medical Officer or Practitioner who shall have performed the Operation shall deliver to the Father or Mother of the said Child, or to the Person who shall have the Care, Nurture, or Custody of the said Child, a Certificate under his Hand, according to the Form of Schedule herein-after inserted, marked (A.), that the said Child has

has been successfully vaccinated, and shall also transmit a Duplicate of the said Certificate to the Registrar of Births and Deaths of the District in which the Operation was performed; and such Certificate shall, without further Proof, be admissible as Evidence of the successful Vaccination of such Child in any Information or Complaint which shall be brought against the Father or Mother of the said Child, or against the Person who shall have had the Care, Nurture, or Custody of such Child as aforesaid, for Noncompliance with the Provisions of this Act: Provided that if the Medical Officer of any Dispensary District is also the Registrar of that District, it shall be sufficient for him to sign One Certificate, to be delivered to the Father or Mother, or other Person as aforesaid, and to register the Fact of such Vaccination in the Manner herein-after provided.

If the Child be not in a fit State for Vaccination, the Medical Officer to deliver a Certificate to that Effect, to be in force for Two Calendar Months.

4. If any Medical Officer or Practitioner shall be of opinion that any Child is not in a fit and proper State to be successfully vaccinated, he shall thereupon and immediately deliver, without Fee or Reward, to the Father or Mother of such Child, or the Person having the Care, Nurture, or Custody of the said Child, a Certificate under his Hand, according to the Form of Schedule herein-after inserted, marked (B.), that the Child is in an unfit State for successful Vaccination, and such Certificate shall remain in force for *Two* Calendar Months from its Delivery as aforesaid; and the Father and Mother of the said Child, or the Person having the Care, Nurture, or Custody of the said Child, shall, unless they shall within each succeeding Period of *Two* Months have obtained from a Medical Officer or Practitioner a Renewal of such Certificate, within *Two* Months next after the Delivery of the said Certificate as aforesaid, and if the said Child be not vaccinated at or by the Termination of such Period of *Two* Months then during each succeeding Period of *Two* Calendar Months until such Child has been successfully vaccinated, take or cause us be taken to the said Medical Officer or Practitioner such Child to be vaccinated by him; and if the said Medical Officer or Practitioner deem the said Child to be then in a fit and proper State for successful Vaccination, he shall forthwith vaccinate it accordingly, and shall deliver to the Father or Mother of such Child, or Person having the Care, Nurture, or Custody of such Child, a Certificate under his Hand, according to the Form of Schedule herein-after inserted, marked (A.), that such Child has been successfully vaccinated; but if the said Medical Officer or Practitioner be of opinion that the Child is still in an unfit State for successful Vaccination, then he shall again deliver to the Father or Mother of such Child, or Person having the Care, Nurture, or Custody of the said Child, a Certificate under his Hand, according to the said Form of Schedule (B.), that the Child is still in an unfit State for successful Vaccination;

and the said Medical Officer or Practitioner, so long as such Child remains in an unfit State for Vaccination, and unvaccinated, shall at the Expiration of every succeeding Period of *Two* Calendar Months deliver, if required, to the said Father or Mother of such Child, or Person having the Care, Nurture, or Custody of such Child, a fresh Certificate under his Hand, according to the said Form of Schedule; and the Production of such Certificate shall be a sufficient Defence against any Complaint which shall be brought against the said Father or Mother, or Person having the Care, Nurture, or Custody of such Child, for Noncompliance with the Provisions of this Act.

21 & 22 Vict. c. 64. s. 2. repealed.

5. And whereas by the Second Section of the said Act of the Twenty-first and Twenty-second Years of Her Majesty, it is provided that the Board of Guardians shall pay to the Medical Officer of each Dispensary District, in addition to any Salary or Allowance payable to him, the Sum of One Pound for every Twenty Cases of successful Vaccination performed by him in each Year: Be it enacted, that the said Section shall be and is hereby repealed from and after the said *First Day of January;* and the Board of Guardians shall pay to every such Medical Officer, for every Person successfully vaccinated by him within his Dispensary District, after the said *First Day of January*, the Sum of *One Shilling*, provided that the said Medical Officer shall have made the Report to the Committee of Management, regarding the Persons so successfully vaccinated, which is required by the said Act.

Rate of Payment for successful Cases of Vaccination.

Child's Incapacity to receive the Vaccine Disease to be certified.

6. In the event of any Medical Practitioner being of opinion that any Child that has been vaccinated by him is insusceptible of the Vaccine Disease, he shall deliver to the Father or Mother, or Person having the Care, Nurture, or Custody of such Child, a Certificate under his Hand, according to the Form of Schedule herein-after inserted, marked (D.); and the Production of such Certificate shall be a sufficient Defence against any Complaint which may be brought against the said Father, Mother, or Person having the Care, Nurture, or Custody of such Child for Noncompliance with the Provisions of this Act.

Registrars of Births and Deaths to keep a Register of Cases of successful Vaccination, of which Searches and Extracts may be made.

7. The Registrar of Births and Deaths in the District in which the Operation has been performed shall register the same in a Register which he shall keep of the Persons of whose successful Vaccination a Certificate shall have been transmitted to him as above provided by any Medical Practitioner, and of the Persons whom he himself may have successfully vaccinated, as herein-before mentioned, and shall at all reasonable Times allow Searches to be made of any such Register Book in his keeping, and shall give a Copy, certified under his Hand,

of

of any Entry or Entries in the same, on Payment of the Fee of *One Shilling* for each Search, and Sixpence for each Certificate.

Notice to be given of the Requirement of Vaccination, and on Failure of Parent or Guardian to comply therewith, Penalty.

8. The Registrar of Births and Deaths in every District shall, immediately after the Registration of the Birth of any Child who shall not have been certified to him as having been vaccinated within that Time, give Notice in Writing in manner herein-after directed, and according to the Form of Schedule herein-after inserted, marked (C.), to the Father or Mother of such Child, or in the event of the Death, Illness, Absence, or Inability from Sickness or otherwise of the Father and Mother, then to the Person upon whom the Care, Nurture, or Custody of such Child shall have devolved, that it is the Duty of such Father or Mother, or Person having the Care, Nurture, or Custody of such Child as aforesaid, to take Care that the said Child shall be vaccinated in the Manner directed by this Act, and shall together therewith deliver to such Person a Notice of the Days, Hours, and Places within the District of such Registrar at which the Medical Officer will attend for the Purpose of Vaccination; and shall enter in a Book to be provided, as herein-after directed, a Minute of his having duly given such Notice; and if after such Notice the Father or Mother of the said Child, or the Person so having as aforesaid the Care, Nurture, or Custody of the said Child, shall not cause such Child to be vaccinated, or shall not on the *Eighth* Day after the Vaccination has been performed take, or cause to be taken, such Child for Inspection according to the Provisions in this Act respectively contained, without any reasonable Excuse for such Failure or Omission, then such Father or Mother, or Person having the Care, Nurture, or Custody of such Child as aforesaid, so offending, shall forfeit a Sum not exceeding *Twenty Shillings*.

Fee to Registrar.

9. A Fee of *Threepence* shall be paid to such Registrar for each Child vaccinated in respect of which he shall have performed the Duties required in this Act; excepting only those Cases in which he himself shall have performed the Operation, and thereby entitled himself to the Payment of a Fee under this Act; and the said Fee of *Threepence* shall be payable in the same Manner as the Fee now payable to such Registrar for registering the Birth of such Child as aforesaid is paid.

Penalty for omitting to register Vaccination.

10. Every Registrar who shall fail to register as aforesaid the Vaccination of any Child successfully vaccinated, and duly certified to him to have been so vaccinated within his District, or who shall register the Vaccination of any Child which shall not have been successfully vaccinated, or certified to him to have been so vaccinated,

shall forfeit a Sum not exceeding *Twenty Shillings* for each such Case.

Registrar General to provide Books and Forms for carrying out the Provisions of this Act.

11. The Commissioners of Her Majesty's Treasury shall cause to be furnished, from Time to Time, from Her Majesty's Stationery Office, upon the Application of the Registrar General for Ireland, all such Books, Forms, and Regulations as he may deem requisite for carrying into full Effect the Provisions of this Act, and such Registrar General shall transmit the same to the Registrars of Births and Deaths in each District in Ireland, who shall deliver to the duly qualified Medical Practitioners in the said District, such of the said Books, Forms, and Regulations as they may require for the Performance of the Duties imposed upon them by this Act, and the Expenses to be incurred by the Registrar General, under the Provisions of this Act, shall be defrayed in the like Manner as the General Expenses of his Office.

Recovery of Penalties.

12. Any Penalty recoverable under the Provisions of this Act, shall be recoverable in a summary Way, with respect to the Police District of Dublin Metropolis, subject and according to the Provisions of any Act regulating the Powers and Duties of Justices of the Peace for such District, or of the Police of such District, and, with respect to other Parts of Ireland, before a Justice or Justices of the Peace sitting in Petty Sessions, subject and according to the Provisions of "The Petty Sessions (Ireland) Act, 1851," and any Act amending the same.

Guardians of Poor may direct Proceedings to be instituted.

13. The Guardians of any Union in Ireland may direct Proceedings to be instituted by any Officer under their Superintendence and Control for the Purpose of enforcing Obedience to the Provisions of this Act; and as to all Expenses incurred in such Proceedings, if the Justice or Justices before whom such Proceedings are had certify that such Expenses ought to be allowed, such Justice or Justices shall ascertain the Amount thereof, and such Amount shall be payable out of the Poor Rates of the Union in which the Neglect or Default shall have arisen; and such Proceedings on account of Neglect to have a Child vaccinated may be taken at any Time during the Continuance of the Neglect.

SCHE-

SCHEDULES referred to by this Act.

SCHEDULE (A.)

I, the undersigned, hereby certify, that the Child of of aged in the County of has been successfully vaccinated by me.

Dated this Day of 186 .

(Signed) *A.B.*,
Medical Officer of the Dispensary District
(*or other Medical Practitioner, as the Case may be*).

SCHEDULE (B.)

I, the undersigned, hereby certify, that I am of opinion that the Child of of in the County of aged is not now in a fit and proper State to be successfully vaccinated, and I do hereby postpone the Vaccination until the Day of .

Dated this Day of 186 .

(Signed) *A.B.*,
Medical Officer of the Dispensary District
(*or other Medical Practitioner, as the Case may be*).

SCHEDULE (C.)

I, the undersigned, hereby give you Notice, and require you to have *C.D.* vaccinated within Six Months after the Birth, pursuant to the Provisions and Directions of the Act of the Victoria, Cap. . As witness my Hand this Day of 186 .

J.B.,
Registrar of Births and Deaths for the District.

SCHEDULE (D.)

I, the undersigned, hereby certify, that I am of opinion that the Child of of in the County of is insusceptible of the Vaccine Disease.

Dated this Day of 186 .

(Signed) *A.B.*,
Medical Officer of the Dispensary District
(*or other Medical Practitioner, as the Case may be*).

Vaccination (Ireland).

A

BILL

To further extend and make compulsory the Practice of Vaccination in Ireland.

(*Prepared and brought in by Sir Robert Peel and Mr. Lowe*).

Ordered, by The House of Commons, *to be Printed*, 19 *March* 1863.

[Bill 70.]

Under 2 oz.

277

LORDS AMENDMENT

TO THE

VACCINATION (IRELAND) BILL.

Note.—*The Page and Line refer to the Bill* (108.) *as printed by the Lords.*

Page 5. Line 6. Leave out (" that Time") and insert (" Six Calendar Months after the Birth thereof")

[Bill 210.]

LORDS AMENDMENT

TO THE

VACCINATION (IRELAND) BILL.

Ordered, by The House of Commons, *to be Printed*,
6 *July* 1863.

[Bill 210.]

Under 1 *oz.*

A

B I L L

TO

Extend and make compulsory the Practice of Vaccination in Scotland.

WHEREAS it is expedient to extend, and in certain Cases to make compulsory, the Practice of Vaccination in Scotland, and to make further Provision for the Vaccination of the Poor: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. Within *Two* Months after the passing of this Act the Parochial Board of every Parish or Combination of Parishes in Scotland shall, subject to the Approval of the Board of Supervision, appoint a Medical Practitioner or Practitioners to be the Public Vaccinator or Vaccinators within such Parish or Combination. Parochial Board to appoint a Public Vaccinator.

2. It shall be lawful for each Parochial Board to contract with such Public Vaccinators for the Vaccination of all Persons resident within such Parish or Combination, provided that the Remuneration to each such Public Vaccinator shall depend on and be regulated by Parochial Board may contract with Public Vaccinator.

the Number of Persons not previously vaccinated who have been successfully vaccinated by such Public Vaccinator; and that the Allowance for every Person so vaccinated shall not be less than *Two Shillings and Sixpence* when the Vaccination is performed within Two Miles of the Residence of the Public Vaccinator, by the nearest public Road, and *Three Shillings and Sixpence* when beyond that Distance.

Registration Districts.

3. For the Purposes of Registration under this Act, as herein-after provided, every Registration District, as the same exists at the Time, or may from Time to Time be erected, under and in virtue of an Act passed in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, Chapter Eighty, intituled "An Act to provide for "the better Registration of Births, Deaths, and Marriages in Scot-"land," and of another Act passed in the Eighteenth Year of the Reign of Her present Majesty, Chapter Twenty-nine, intituled "An "Act to make further Provision for the Registration of Births, "Deaths, and Marriages in Scotland," shall be a Vaccination District.

Parochial Board may divide Parish into Sections.

4. The Parochial Board of every Parish or Combination shall, as soon after the *passing of this Act* as practicable, divide such Parish or Combination, if need be, into convenient Sections, for the Purpose of affording increased Facilities for the Vaccination of the Poor; and shall appoint a convenient Place in each such Section for the Performance of Vaccination; and shall take the most effectual Means for giving from Time to Time to all Persons resident within such Section Notice of the Days and Hours at which the Public Vaccinator for such Section will attend at such Place for the Vaccination of Persons not already successfully vaccinated who may then appear there; and also the Days and Hours at which such Public Vaccinator will attend there to inspect the Progress of such Vaccination in the Persons so vaccinated; and a Notice of such Times and Places shall also be sent by such Parochial Board to the Registrar or Registrars of Births, Deaths, and Marriages of the District or Districts within which such Parish or Combination may respectively be wholly or partially situate.

Parochial Board to give Notice of Names of Public Vaccinator.

5. The Parochial Board of every Parish or Combination shall from Time to Time give Notice to the Board of Supervision, the Registrar General, and the Registrar or Registrars for the District within which such Parish or Combination may be wholly or partially situated, of the Names of each Public Vaccinator appointed by them, and that within *Forty-eight* Hours of the Appointment of such Public Vaccinator.

6. The

Parochial Board, &c. to conform to Regulations made by Board of Superintendence.

6. The Parochial Board of every Parish or Combination, and each Public Vaccinator, and any other Officers engaged in the Administration of the Laws for Relief of the Poor in any Parish or Combination, shall, in the Exercise of the Functions conferred upon them by this Act, conform to the Regulations which may from Time to Time be issued by the Board of Supervision in relation thereto, which Regulations the Board of Supervision is hereby authorized and required to make and issue.

Parochial Board to defray Expense.

7. The Parochial Board of every Parish or Combination shall defray the Expenses incident to the Execution of this Act out of any Rates or Monies which may come into their Hands for the Relief of the Poor, including any Share that may be apportioned to any such Parish or Combination of the Grant voted or that may be voted by Parliament towards the Medical Treatment of the Poor, and shall include in the Assessment to be levied for Relief of the Poor in such Parish such Sum as may be considered necessary by them for carrying into execution the Purposes of this Act.

Medical Treatment not to be considered Parochial Relief.

8. Vaccination and any Medical or Surgical Treatment incidental to it shall not be considered Parochial Relief, Alms, or Charitable Allowance, and shall not affect the parochial Settlement of any Person so vaccinated or treated.

Parents or Guardians to cause Children to be vaccinated.

9. The Father of every Child born in Scotland after the *First Day of January in the Year One thousand eight hundred and sixty-four*, and in the event of the Death, Illness, or Inability of the Father, then the Mother, shall within *Three* Calendar Months after the Birth of such Child, or in the event of the Death, Illness, Absence, or Inability of the Father and Mother, then the Person who shall have the Care, Nurture, or Custody of such Child shall, within *Four* Calendar Months after the Birth of such Child, take or cause to be taken the said Child to the Public Vaccinator appointed in the Parish or Combination or Section thereof in which the said Child is resident, for the Purpose of being vaccinated, unless such Child shall have been previously vaccinated by some duly qualified Medical Practitioner, and the Vaccination duly certified; and the said Public Vaccinator shall, and he is hereby required thereupon, or as soon thereafter as it may conveniently and properly be done, to vaccinate the said Child.

Public Vaccinator to ascertain by Inspection the Result of the Operation.

10. Upon a Day not earlier than the *Seventh* nor later than the *Ninth* Day following the Day on which any Child has been vaccinated as aforesaid the Father or Mother, or other Person having the Care, Nurture, or Custody of the said Child, shall again take or cause

cause to be taken the said Child to the Public Vaccinator by whom the Operation was performed, in order that such Public Vaccinator may ascertain by Inspection the Result of such Operation; and, if necessary, the Operation shall be from Time to Time repeated until the Vaccination proves successful, or until a Certificate of Insusceptibility to vaccine Disease is granted in matter after provided for.

Certificate of successful Vaccination to be delivered.

11. Upon and immediately after the successful Vaccination of any Child, the Public Vaccinator who shall have performed the Operation shall deliver to the Father or Mother of the said Child, or to the Person who shall have the Care, Nurture, or Custody of the said Child, a Certificate under his Hand, according to the Form of the Schedule herein-after inserted, marked (A.), that the said Child has been successfully vaccinated, and such Certificate shall, without further Proof, be admissible as Evidence of the successful Vaccination of such Child in any Information or Complaint which shall be brought against the Father or Mother of the said Child, or against the Person who shall have had the Care, Nurture, or Custody of such Child as aforesaid, for Non-compliance with the Provisions of this Act.

If the Child be not in a fit State for Vaccination, the Medical Officer to deliver a Certificate to that Effect, to be in force for Two Months.

12. If the Public Vaccinator or any Medical Practitioner shall be of opinion that any Child is not in a fit and proper State to be successfully vaccinated, he shall thereupon and immediately deliver to the Father or Mother of such Child, or the Person having the Care, Nurture, or Custody of the said Child, a Certificate under his Hand, according to the Form of the Schedule herein-after inserted, marked (B.), that the Child is in an unfit State for successful Vaccination, and such Certificate shall remain in force for *Two* Calendar Months from its Delivery as aforesaid; and the Father or Mother of the said Child, or the Person having the Care, Nurture, or Custody of the said Child, shall, unless they shall within each succeeding Period of *Two* Months have obtained from the Public Vaccinator or other Medical Practitioner a Renewal of such Certificate, within *Two* Months next after the Delivery of the said Certificate as aforesaid, and if the said Child be not vaccinated at or by the Termination of such Period of *Two* Months, then during each succeeding Period of *Two* Calendar Months until such Child has been successfully vaccinated, take or cause to be taken to the said Public Vaccinator such Child to be vaccinated by him, and if the Public Vaccinator deem the said Child to be then in a fit and proper State for successful Vaccination, he shall forthwith vaccinate him accordingly, and shall deliver to the Father or Mother of such Child, or Person having the Care, Nurture, or Custody of such Child, a Certificate under his Hand, according to the Form of the Schedule herein-after inserted, marked (A.), that such Child has been successfully vaccinated; but if the said Public

Public Vaccinator be of opinion that the Child is still in an unfit State for successful Vaccination, then he shall again deliver to the Father or Mother of such Child, or Person having the Care, Nurture, or Custody of the said Child, a Certificate under his Hand, according to the said Form of Schedule (B.), that the Child is still in an unfit State for successful Vaccination; and the Public Vaccinator, so long as such Child remains in an unfit State for Vaccination and unvaccinated, shall at the Expiration of every succeeding Period of *Two* Calendar Months deliver, if required, to the said Father or Mother of such Child, or Person having the Care, Nurture, or Custody of such Child, a fresh Certificate under his Hand, according to the said Form of Schedule; and the Production of such Certificate shall be a sufficient Defence against any Complaint which shall be brought against the said Father or Mother, or Person having the Care, Nurture, or Custody of such Child, for Non-compliance with the Provisions of this Act.

Child's Incapacity to receive the vaccine Disease to be certified.

13. In the event of the Public Vaccinator or any other Medical Practitioner being of opinion, after *Three* successive Vaccinations, that any Child is insusceptible of the vaccine Disease, he shall deliver to the Father or Mother, or Person having the Care, Nurture, or Custody of such Child, a Certificate under his Hand, according to the Form of the Schedule herein-after inserted, marked (D.), that the Child is insusceptible of vaccine Disease.

Registrar of Births, &c. to deliver a printed Notice to Person registering the Birth of any Child.

14. On the Registration of the Birth of any Child the Registrar shall deliver to the Person registering such Birth a printed Notice in the Form or as nearly as may be the Form of the Schedule (E.) hereto annexed, and setting forth such other Particulars in regard to the Provisions of this Act as in the Opinion of the Registrar General may be necessary or expedient, and such Notice shall have attached thereto in Duplicate the several Certificates (A.), (B.), and (D.), prescribed by this Act.

In insular, highland, and other Districts certain Provisions of this Act may be modified.

15. In insular and highland and other Districts where, from the Difficulty of travelling and other Causes, it may be considered inexpedient to enforce the Provisions of this Act, as expressed in the Eighth, Ninth, Tenth, Eleventh, Twelfth, and Thirteenth Clauses hereof, it shall be competent to the Board of Supervision from Time to Time to frame such Modifications thereof as they may consider proper, and the same, when approved of by the Lord Advocate for the Time being, shall be held to supersede the Provisions in these Clauses so far as regards such Districts.

Stationery, Books, &c. to be provided.

16. Upon the Application of the Registrar General there shall be furnished to him from Time to Time from Her Majesty's Stationery Office all such Stationery, Books, Certificates, Schedules, Notices, and Forms as shall be necessary in the Execution of this Act; and the whole Expenses to be incurred by the Registrar General under the Provisions of this Act shall be defrayed in the same Manner as his Expenses are provided to be defrayed under the said recited Act Seventeenth and Eighteenth Victoria, Chapter Eighty.

Registrar General to frame Forms and Regulations.

17. The Registrar General, in carrying out the Provisions of this Act as regards Registration, is hereby empowered and directed to frame such Forms and Regulations as he may deem requisite for carrying this Act into full Effect; and not later than the *First Day of December One thousand eight hundred and sixty-three* he shall transmit the necessary Books, Certificates, Schedules, Notices, and Forms to the Registrars of each District in Scotland, who shall deliver to the Public Vaccinator and other Medical Practitioners within such District such of the same as they may require for the Performance of the Duties imposed upon them by this Act.

Registrar of Births, &c. to keep "Vaccination Register" Book,

18. The Registrar of Births, Deaths, and Marriages in every District shall keep a Book, to be called the "Vaccination Register," in the Form or as nearly as may be in the Form of Schedule (F.) hereto annexed, in which he shall enter in the Column appropriated for the Purpose the Word "Vaccinated" after the Name of every Child whose Vaccination has been certified to him, as herein provided, and the Word "Insusceptible" after the Name of every Child who had been certified, as herein provided, to be insusceptible of the vaccine Disease, and shall subscribe such Entry, and shall add thereto the Date of the Certificate of Vaccination or Insusceptibility, as the Case may be; and he shall also keep a Book in which he shall, in the Form or as nearly as may be in the Form of the Schedule (G.), hereto annexed, from Time to Time enter the Name of every Child whose Vaccination has been duly certified to him as necessarily postponed, the Date of the Certificate, and the Period for which the Vaccination is postponed, and each Entry in either of the said Books shall refer to the corresponding Entry in the Register of Births of the Birth of each such Child; and such Books shall be open for Search at all reasonable Times, and the Registrar shall be obliged to give a Copy certified under his Hand of each Entry therein on Payment of a Fee of *One Shilling* for each Search and *Sixpence* for each Certificate.

and "Adult Vaccination Register" Book.

19. The Registrar of Births, Deaths, and Marriages in every District shall keep a Book, to be called "Adult Vaccination Register," in

in the Form, or as nearly as may be, of Schedule ( ) hereto annexed, in which he shall enter in the Column appropriated for the Purpose the Word "Vaccinated" or the Word "Insusceptible," as the Case may be, after the Name of every Person born prior to *First January One thousand eight hundred and sixty-four*, resident within the District, in respect of whom there has been produced to such Registrar a Certificate of Vaccination or Insusceptibility, and shall also enter therein the other Particulars required by said Schedule; and such Book shall be open for Search at all reasonable Times, and the Registrar shall be obliged to give a Copy certified under his Hand of each Entry therein on Payment of a Fee of *One Shilling* for each Search and *Sixpence* for each Certificate.

Fee to be paid to Registrar for each Person vaccinated.

20. A Fee of *Threepence* shall be paid to the Registrar for each Person vaccinated in respect of which he shall have performed the Duties required in this Act, and the said Fee shall be payable in the same Manner as the Fee now payable to such Registrar for registering Births is paid; and the Sums required for the Execution of this Act in regard to Registration shall be laid on along with and form Part of the Assessment authorized by the Acts in force for the Registration of Births, Deaths, and Marriages in Scotland.

Penalty on Parent, &c., for not transmitting Certificate of Vaccination, &c. to Registrar.

21. In every Case where there is not transmitted to the Registrar a Certificate of the Vaccination of any Child, or of the Postponement of such Vaccination, or of the Insusceptibility of such Child to vaccine Disease, all within the Periods and in the Manner respectively hereby prescribed, the Registrar of the District shall intimate such Failure to the Father or Mother, or other Person having the Care, Nurture, or Custody of such Child, by a Notice transmitted through the Post Office; and if a Certificate, as herein provided, is not exhibited by such Father or Mother, or other Person, to the Register within *Four* Days from the Despatch of such Notice, the Father or Mother, or other Person, so failing shall forfeit a Sum not exceeding *Twenty Shillings*, to be applied in the Manner in which Penalties are directed to be applied under this Act, and the further Sum of *One Shilling* to be paid to the Registrar in respect of such Notice; and said last-mentioned Sums may be recovered in the same Way as Penalties are herein directed to be recovered, and failing Payment of either of said Sums shall be liable to be imprisoned in any of Her Majesty's Prisons for a Period not exceeding *Ten* Days.

Return to be made of Number of Children vaccinated.

22. In the General Abstract of Births, Deaths, and Marriages registered during the Year which by the said recited Act Seventeenth and Eighteenth Victoria, Chapter Eighty, the Registrar General is required once in each Year to transmit to Her Majesty's Principal

Secretary of State for the Home Department, he shall from and after the *passing of this Act* include a Return showing the Number of Children successfully vaccinated, the Number of Children whose Vaccination has been postponed, and the Number of Children certified to be insusceptible of vaccine Disease, and such other Information as the said Secretary of State may from Time to Time require.

Registrars to be subject to Control of Registrar General.

23. In all Matters relating to the Execution of this Act the respective Registrars shall be subject to the Supervision and Control of the Registrar General and the Inspectors under him, in the same Way and Manner as such Registrars are subject to Supervision and Control under the Acts in force relating to the Registration of Births, Deaths, and Marriages in Scotland; and the Registrar General and Inspectors are hereby empowered and required to exercise such Supervision and Control; and whenever it appears to them that the Provisions of this Act are not being carried fully into effect by any Parochial Board or the Officers appointed by them, the Registrar General shall call the Attention of the Board of Supervision thereto with a View to their providing the requisite Remedy.

Persons receiving Parochial Relief and Prisoners to be vaccinated.

24. Whenever any Person is admitted to Parochial Relief or imprisoned in any Gaol, the Surgeon of the Poorhouse or Gaol, as the Case may be, shall as soon after such Admission to Parochial Relief or Imprisonment as possible vaccinate such Person, unless it is certified to him by a properly qualified Medical Practitioner, or he is satisfied by personal Examination, that such Person has been previously vaccinated, or has had Small-pox, and such Vaccination shall be repeated at proper Intervals from Time to Time until successful, or until the Surgeon is satisfied that such Person is insusceptible to vaccine Disease.

Public Vaccinators and Surgeon of Poorhouse and Gaol to keep a Book of Persons vaccinated.

25. The Medical Practitioners appointed as Public Vaccinators in each Parish or Combination, and the Surgeon of every Poorhouse and Gaol, shall keep a Book in which they shall enter from Time to Time the Number of Persons successfully vaccinated by them, those Cases in which Vaccination has been postponed, and those which have been certified to be insusceptible; and they shall *half-yearly*, or at such other Times as the Board of Supervision may direct, make a Return to the Board embracing these and such other Particulars as the Board of Supervision may require; and such Books and Returns shall at all Times be open to Inspection, free of Charge, by the Registrar General, Inspectors, or Registrars, and Officers of the Parochial Board of the Parish or Combination to which they relate.

Before Admission into any School,

26. From and after the *First Day of March One thousand eight hundred and sixty-four*, it shall not be lawful for any Schoolmaster or

or Schoolmistress to receive into the School under his or her Charge, any young Person under the Age of *Fourteen* Years, unless the Father or Mother or other Person having the Care, Nurture, or Custody of such Child shall first produce to such Schoolmaster or Schoolmistress a Certificate, under the Hands of a properly qualified Medical Practitioner establishing that such young Person was successfully vaccinated, or, after being vaccinated, was found insusceptible of Vaccine Disease; nor shall it be lawful for any Master or Mistress, or any Employer of Labour generally, to receive into his or her or their Employment or Service any young Person under the Age of *Eighteen* Years, unless such young Person shall produce a Certificate under the Hands of a duly qualified Medical Practitioner establishing the Fact that such young Person has been successfully vaccinated, or, after being vaccinated, was found insusceptible of Vaccine Disease, except in those Cases vaccinated under the Provisions of this Act, and whose Vaccination shall have been duly recorded in the Register of the District, or herein-before provided for, in which Event an Extract from the Register of such Vaccination shall be sufficient; and in any Case where such Schoolmaster or Schoolmistress, or Master or Mistress, or other Employer of Labour, shall be guilty of a Breach of these Enactments, he, she, or they shall be liable in Penalty not exceeding *Twenty Shillings* for every such Offence, and failing Payment, to be imprisoned for a Period not exceeding *Ten* Days.

&c. Certificate of Vaccination of Children to be produced to Schoolmaster.

27. The Father or Mother, or other Person having the Care, Nurture, or Custody of any Child requiring to be vaccinated under the Provisions of this Act, and not certified by the Public Vaccinator as successfully vaccinated, or as having his Vaccination postponed, or as insusceptible to Vaccine Disease, shall transmit to the Registrar of the District within which such Child resides a Certificate by a Medical Practitioner, in the Form prescribed by this Act, of the successful Vaccination, or of the Postponement of Vaccination of such Child, or of his Insusceptibility to Vaccine Disease, as the Case may be, within the like Periods as are respectively prescribed with regard to Certificates by the Public Vaccinator; and any Father or Mother or other Person so failing shall forfeit a Sum of *Five Shillings* for every Week during which he shall so fail, as a Penalty for such Failure.

Father, &c. to transmit to Registrar a Certificate by Medical Practitioner in certain Cases.

28. No Certificate granted under the Provisions of this Act by any Medical Practitioner other than a Public Vaccinator shall be received as Evidence in any Information or Complaint which shall be brought against the Father or Mother or other Person having the Care, Nurture, or Custody of the Child named in said Certificate, unless the same has been duly recorded in the Books of the Registrar of the District within which such Child resides.

No Certificate other than that of a Public Vaccinator to be received as Evidence.

Public Vaccinator to transmit to Registrars the Particulars of Certificate.

29. In every Case where, under the Provisions of this Act, the Public Vaccinator is required to grant a Certificate of Vaccination, or of Postponement of Vaccination, or of Insusceptibility to Vaccine Disease, and grants the same, he shall be bound, and he is hereby required, to transmit to the Registrar of the District within which the Child referred to in such Certificate resides the Particulars contained in such Certificate, in the Form, or as nearly as may be in the Form, of the Schedule ( ) hereto annexed, and that within *Forty-eight* Hours from the Date of such Certificate, under the Penalty of *Twenty Shillings* for each Omission.

Penalty for inoculating.

30. Any Person who shall produce or attempt to produce in any Person, by Inoculation with Variolous Matter, or by wilful Exposure to Variolous Matter, or to any Matter, Article, or Thing impregnated with Variolous Matter, or wilfully by any other Means whatever produce the Disease of Small-pox in Scotland, shall forfeit a Sum of *Five Pounds*, which shall be recoverable and shall be applied in the same Manner as Penalties are directed to be recovered and applied under the Provisions of this Act.

Registrar to report to Inspector of Poor, &c. Cases of Neglect.

31. The Registrar in every District shall be bound, and he is hereby required, to report to the Inspector of Poor of each Parish, or Portion thereof, within such District, and to the Procurator Fiscal of the County or Burgh within which such Parish, or Portion thereof, is situated, all Cases of Neglect or Contravention of the Provisions of this Act which fall within his Knowledge, and that on the First lawful Day of each Calendar Month.

Recovery of Penalties.

32. All Penalties imposed by this Act may be recovered by summary Proceeding, upon Complaint in Writing made by the Procurator Fiscal, or the Inspector of Poor of the Parish or Combination within which respectively the Offence shall have been committed, to the Sheriff of the County in which the Offence shall have been committed, or to the Sheriff of the County in which the Offender may be found; and on such Complaint being made, such Sheriff shall issue a Warrant for bringing the Party complained against before him, or shall issue an Order requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Order; and such Warrant or Order may contain a Warrant to cite Witnesses for both Parties; and such Warrant or Order shall be effectual in any Part of Scotland on being endorsed by the Sheriff of any County in which it is to be executed, if other than the County wherein it has been granted, and which Endorsation such Sheriff is hereby authorized to give, and such Warrant shall be a sufficient Authority to any Messenger-at-Arms or Sheriff Officer to apprehend

apprehend and detain the Offender in Custody till he can be brought before the Sheriff; and any such Order shall be served by a Messenger-at-Arms or Sheriff's Officer on the Party offending, either in Person or by leaving with some Inmate at his usual Place of Abode, a Copy of such Order and of the Complaint whereupon the same has proceeded; and either upon the Appearance, or upon the Default to appear of the Party offending, it shall be lawful for the Sheriff to proceed to the hearing of the Complaint, and upon Proof of the Offence, either by the Confession of the Party complained against or other legal Evidence, and without any written Pleadings or Record of Evidence, to convict the Offender; and upon such Conviction to decern and adjudge the Offender to pay the Penalty incurred, as well as such Expenses as the Sheriff shall think fit, and to grant Warrant for imprisoning the Offender until such Penalty and Expenses shall be paid: Provided always, that such Warrant shall specify the Amount of such Penalty and Expenses, and shall also specify a Period at the Expiration of which the Party shall be discharged, notwithstanding such Penalty or Expenses shall not have been paid, and shall in no Case exceed *Two* Calendar Months: Provided also, that it shall be lawful for the Sheriff, if he shall see good Cause so to do, to adjourn the Proceedings for such Time as he may consider proper for the Ends of Justice; and in such Cases the Sheriff shall have Power to allow the Party complained of to go at Liberty, on finding proper Bail, to be fixed by him, to appear at any such adjourned Diet of the Proceedings.

When Proceedings for enforcing Penalties may be raised.

33. It shall be competent to raise such Proceedings for enforcing any Penalties incurred in contravention of this Act at any Time during which the Person against whom such Proceedings are taken is in default; and the Sheriff by whom any Penalty shall be found due, by virtue of this Act, shall award such Penalty to the Poor of the Parish or Combination in which the Offence shall have been committed, and shall order the same to be paid over to the Inspector of Poor or other Officer of the Parochial Board for that Purpose.

Proceedings not to be quashed for Want of Form.

34. No Proceeding for the Recovery of Penalties in pursuance of this Act, nor any Order, Judgment, or Conviction under the same, shall be set aside, quashed, or vacated for Want of Form, or any Misnomer or Informality, or on the Ground of no Record having been made; nor shall the same be removed by Suspension, Advocation, Appeal, or otherwise, into or to be in any Manner subject to Review or Reduction by any Superior Court.

Board of Supervision to compel Performance

35. Wherever the Parochial Board of any Parish or Combination shall fail to do or perform any of the Acts or Duties hereby required of

of Acts and Duties by Parochial Board.

of them, it shall be lawful to the Board of Supervision, without Prejudice to any Right competent to such Board of Supervision to compel Performance thereof, to do or perform the same, and the Acts or Duties so done and performed by the Board of Supervision shall be as valid and effectual as if done or performed by the Parochial Board failing as aforesaid.

Where no Parochial Board exists, Heritors to act.

36. Wherever under the Provisions of this Act the Parochial Board of a Parish is required to do or perform any Acts or Duties, and no Parochial Board exists within such Parish, the Heritors, as defined in the Seventeenth and Eighteenth Victoria, Chapter Eighty, except as after provided, shall do or perform such Act or Duty in the same Manner as is provided with respect to Heritors, in the like Cases, in the said recited Act, and in the Eighteenth Victoria Chapter Twenty-nine: Provided always, that when any such Parish, or Portion thereof, is situate within Burgh, the Town Council shall have the same Powers with reference to the Execution of this Act, in so far as Registration is concerned, as are conferred by the Acts in force for the Registration of Births, Marriages, and Deaths.

Disputes to be determined by Sheriff.

37. Any Dispute or Difference which may arise in regard to the Election of Public Vaccinators, or as to the Allocation of the Expenses attendant upon the Execution of this Act, between Parishes or otherwise, shall be determined by the Sheriff of the County in which such Parishes are situate, or if in different Counties, then by the Sheriff of the County in which the Parish, or Portion of a Parish so disputing possessed of the largest Rental is situated, such Rental being ascertained by the Valuation Roll in force at the Time.

Interpretation.

38. The following Words and Expressions in this Act shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "Registrar General" shall mean the Registrar General of Births, Deaths, and Marriages in Scotland for the Time being, appointed and acting under the Seventeenth and Eighteenth Victoria, Chapter Eighty. The Word "Sheriff" shall mean the Sheriff of the County in which he is Sheriff, and shall include Sheriff Substitutes:

The Expression "Board of Supervision" shall mean the Board of Supervision for Relief of the Poor in Scotland:

The Expression "Medical Practitioner" shall mean any Person registered as a Practitioner in Medicine or Surgery pursuant to the Act Twenty-first and Twenty-second Victoria, Chapter Ninety:

The

The Expression "Public Vaccinator" shall mean the Medical Practitioner appointed by any Parish or Combination to vaccinate in such Parish or Combination:

The Expression "the District" shall mean and include the Registration District at the Time existing, erected under and in virtue of an Act passed in the Seventeenth and Eighteenth Year of the Reign of Her Majesty Queen Victoria, Chapter Eighty, intituled "An Act to provide for the better Registration of Births, Deaths, and Marriages in Scotland," and of another Act passed in the Eighteenth Year of the Reign of Her Majesty, Chapter Twenty-nine, intituled "An Act to make further Provision for the Registration of Births and Marriages in Scotland."

SCHEDULES referred to by this Act.

SCHEDULE (A.)

I, the undersigned, hereby certify, That the Child of aged of the Parish of in the County of has been successfully vaccinated by me.

Dated this Day of 186 .

(Signed) *A.B.*,
Surgeon of the Parish *or* Combination
(*or other Medical Practitioner, as the Case may be*).

SCHEDULE (B.)

I, the undersigned, hereby certify, That I am of opinion that the Child of of the Parish of in the County of aged is not now in a fit and proper State to be successfully vaccinated, and I do hereby postpone the Vaccination until the Day of .

Dated this Day of 186 .

(Signed) *A.B.*,
Surgeon of the Parish *or* Combination
(*or other Medical Practitioner, as the Case may be*).

SCHEDULE (C.)

I, the undersigned, hereby give you Notice, and require you to have *C.D.* vaccinated within Three (*or* Four, *as the Case may be, according to the Section of this Act*) Months after the Birth, pursuant to the Provisions and Directions of the Act of the Victoria, Chapter . As witness my Hand this Day of 186 .

J.B.,
Registrar of Births, Deaths, and Marriages
for the District of
(*as the Case may be*).

SCHEDULE (D.)

I, the undersigned, hereby certify, That I am of opinion that the Child of of the Parish of in the County of is insusceptible of the Vaccine Disease.

Dated this Day of 186 .

(Signed) *A.B.*,
Surgeon of the Parish *or* Combination of (*or other Medical Practitioner, as the Case may be.*)

SCHEDULE (E.)

To the Parent or Guardian of (*insert Name of Child whose Birth is registered*).

Take Notice, that this Child must be vaccinated, under the Provisions of and Victoria, Chapter , within Months from the Date of his (*or* her) Birth, under a Penalty of £

Dr. , the Vaccinator for the Parish of attends on (*insert Days of Week*), between the Hours of and to vaccinate gratis.

Eight Days after such Vaccination the Child must be taken to the Vaccinator, who will judge if the Vaccination has been successful, and if not successful the Vaccination is to be repeated.

(Signed) *A.B.*, Registrar.

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SCHEDULE (F.)

Vaccination Register for the District of in the Parish of .

No.	Name of Child.	Birth Register in which recorded.		Vaccination Particulars.	Date of Certificate.	Signature of Registrar.
		Year.	No. of Entry.			
1	Thomas Brown -	1863	4	Vaccinated -	9th January 1864 -	J. Smith, Registrar.
2	Mary Smith - -	1863	7	Insusceptible -	11th May 1864 -	J. Smith, Registrar.
3	William Wilson -	1864	1	Vaccinated -	10th January 1864 -	J. Smith, Registrar.

SCHEDULE (G.)

Register of postponed Vaccinations for the District of in the Parish of .

No.	——	Birth Register in which recorded.		Period to which Vaccination postponed.	Date of Certificate.	Signature of Registrar.
		Year.	No. of Entry.			
1	Mary Nixon -	1864	12	Postponed to 10th March 1864.	12th January 1864 -	J. Smith, Registrar.
2	Thomas Dickson -	1864	14	Postponed to 4th February 1864.	4th January 1864 -	J. Smith, Registrar.
3						

SCHEDULE (H.)

Adult Vaccination Register for the District of Parish of .

No.	Name of Person vaccinated.	Date of Birth.	Parish in which Birth registered.	Vaccination Particulars.	Date of Certificate.	Present Residence.	Signature of Registrar.
1	John Smith -	1st January 1850 -	St. Cuthbert's, Edinburgh	Vaccinated -	11th January 1864.		
2	Dugald Sinclair -	2d May 1843 -	Barony, Glasgow -	Insusceptible -	15th May 1864.		
3							

A

BILL

To extend and make compulsory the Practice of Vaccination in Scotland.

(*Prepared and brought in by The Lord Advocate and Sir William Dunbar.*)

Ordered, by The House of Commons, *to be Printed*, 19 *May* 1863.

[Bill 139.]

Under 2 oz.

295

A

BILL

[AS AMENDED IN COMMITTEE, AND ON CONSIDERATION OF BILL AS AMENDED,]

TO

Extend and make compulsory the Practice of Vaccination in Scotland.

WHEREAS it is expedient to extend, and in certain Cases to make compulsory, the Practice of Vaccination in Scotland, and to make further Provision for the Vaccination of the Poor: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. Within Two Months after the passing of this Act the Parochial Board of every Parish or Combination of Parishes in Scotland shall, appoint a Medical Practitioner or Practitioners to be the Public Vaccinator or Vaccinators within such Parish or Combination; and no Public Vaccinator so appointed shall be dismissed from his Office except with the Concurrence of the Board of Supervision. Parochial Board to appoint a Public Vaccinator.

2. It shall be lawful for each Parochial Board to contract with such Public Vaccinators for the Vaccination of all Persons resident within such Parish or Combination, provided that the Remuneration Parochial Board may contract with Public Vaccinator.

to each such Public Vaccinator shall depend on and be regulated by the Number of Persons not previously vaccinated who have been successfully vaccinated by such Public Vaccinator; and that the Allowance for every Person so vaccinated shall not be less than One Shilling and Sixpence when the Vaccination is performed within Two Miles of the Residence of the Public Vaccinator, by the nearest public Road, and Two Shillings and Sixpence when beyond that Distance.

Registration Districts.

3. For the Purposes of Registration under this Act, as herein-after provided, every Registration District, as the same exists at the Time, or may from Time to Time be erected, under and in virtue of an Act passed in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, Chapter Eighty, intituled "An Act to provide for "the better Registration of Births, Deaths, and Marriages in Scot-"land," and of another Act passed in the Eighteenth Year of the Reign of Her present Majesty, Chapter Twenty-nine, intituled "An "Act to make further Provision for the Registration of Births, "Deaths, and Marriages in Scotland," shall be a Vaccination District.

Parochial Board may divide Parish into Sections.

4. The Parochial Board of every Parish or Combination shall, as soon after the passing of this Act as practicable, divide such Parish or Combination, if need be, into convenient Sections, for the Purpose of affording increased Facilities for the Vaccination of the Poor; and shall appoint a convenient Place in each such Section for the Performance of Vaccination; and shall take the most effectual Means for giving from Time to Time to all Persons resident within such Section Notice of the Days and Hours at which the Public Vaccinator for such Section will attend at such Place for the Vaccination of Persons not already successfully vaccinated who may then appear there; and also the Days and Hours at which such Public Vaccinator will attend there to inspect the Progress of such Vaccination in the Persons so vaccinated; and a Notice of such Times and Places shall also be sent by such Parochial Board to the Registrar or Registrars of Births, Deaths, and Marriages of the District or Districts within which such Parish or Combination may respectively be wholly or partially situate.

Parochial Board to give Notice of Names of Public Vaccinator.

5. The Parochial Board of every Parish or Combination shall from Time to Time give Notice to the Board of Supervision, the Registrar General, and the Registrar or Registrars for the District within which such Parish or Combination may be wholly or partially situated, of the Names of each Public Vaccinator appointed by them, and that within Forty-eight Hours of the Appointment of such Public Vaccinator.

6. The

Parochial Board, &c. to conform to Regulations made by Board of Superintendence.

6. The Parochial Board of every Parish or Combination, and each Public Vaccinator, and any other Officers engaged in the Administration of the Laws for Relief of the Poor in any Parish or Combination, shall, in the Exercise of the Functions conferred upon them by this Act, conform to the Regulations which may from Time to Time be issued by the Board of Supervision in relation thereto, which Regulations the Board of Supervision is hereby authorized and required to make and issue.

Parochial Board to defray Expense.

7. The Parochial Board of every Parish or Combination shall defray the Expenses incurred by them in the Execution of this Act out of any Rates or Monies which may come into their Hands for the Relief of the Poor, including any Share that may be apportioned to any such Parish or Combination of the Grant voted or that may be voted by Parliament towards the Medical Treatment of the Poor, and shall include in the Assessment to be levied for Relief of the Poor in such Parish such Sum as may be considered necessary by them for carrying into execution the Purposes of this Act.

Medical Treatment not to be considered Parochial Relief.

8. Vaccination and any Medical or Surgical Treatment incidental to it shall not be considered Parochial Relief, Alms, or Charitable Allowance, and shall not affect the parochial Settlement of any Person so vaccinated or treated.

Parents or Guardians to cause Children to be vaccinated.

9. The Father of every Child born in Scotland after the First Day of January in the Year One thousand eight hundred and sixty-four, and in the event of the Death, Illness, or Inability of the Father, then the Mother, or in the event of the Death, Illness, Absence, or Inability of the Father and Mother, then the Person who shall have the Care, Nurture, or Custody of such Child shall, within Six Calendar Months after the Birth of such Child, take or cause to be taken the said Child to the Public Vaccinator appointed in the Parish or Combination or Section thereof in which the said Child is resident, for the Purpose of being vaccinated, unless such Child shall have been previously vaccinated by some duly qualified Medical Practitioner, and the Vaccination duly certified; and the said Public Vaccinator shall, and he is hereby required thereupon, or as soon thereafter as it may conveniently and properly be done, to vaccinate the said Child.

Public Vaccinator to ascertain by Inspection the Result of the Operation.

10. Upon a Day not earlier than the Seventh nor later than the Ninth Day following the Day on which any Child has been vaccinated as aforesaid the Father or Mother, or other Person having the Care, Nurture, or Custody of the said Child, shall again take or cause to be taken the said Child to the Public Vaccinator by whom

the Operation was performed, in order that such Public Vaccinator may ascertain by Inspection the Result of such Operation; and, if necessary, the Operation shall be from Time to Time repeated until the Vaccination proves successful, or until a Certificate of Insusceptibility to vaccine Disease is granted in matter after provided for.

Certificate of successful Vaccination to be delivered.

11. Upon and immediately after the successful Vaccination of any Child, the Public Vaccinator or Medical Practitioner who shall have performed the Operation shall deliver to the Father or Mother of the said Child, or to the Person who shall have the Care, Nurture, or Custody of the said Child, a Certificate under his Hand, according to the Form of the Schedule herein-after inserted, marked (A.), that the said Child has been successfully vaccinated, and such Certificate by the Public Vaccinator shall, or such Certificate by such Medical Practitioner if registered, shall, without further Proof, be admissible as Evidence of the successful Vaccination of such Child in any Information or Complaint which shall be brought against the Father or Mother of the said Child, or against the Person who shall have had the Care, Nurture, or Custody of such Child as aforesaid, for Non-compliance with the Provisions of this Act.

If the Child be not in a fit State for Vaccination, the Medical Officer to deliver a Certificate to that Effect, to be in force for Two Months.

12. If the Public Vaccinator or any Medical Practitioner shall be of opinion that any Child is not in a fit and proper State to be successfully vaccinated, he shall thereupon and immediately deliver to the Father or Mother of such Child, or the Person having the Care, Nurture, or Custody of the said Child, a Certificate under his Hand, according to the Form of the Schedule herein-after inserted, marked (B.), that the Child is in an unfit State for successful Vaccination, and such Certificate shall remain in force for Two Calendar Months from its Delivery as aforesaid; and the Father or Mother of the said Child, or the Person having the Care, Nurture, or Custody of the said Child, shall, unless they shall within each succeeding Period of Two Months have obtained from the Public Vaccinator or other Medical Practitioner a Renewal of such Certificate, within Two Months next after the Delivery of the said Certificate as aforesaid, and if the said Child be not vaccinated at or by the Termination of such Period of Two Months, then during each succeeding Period of Two Calendar Months until such Child has been successfully vaccinated, take or cause to be taken to the said Public Vaccinator or Medical Practitioner such Child to be vaccinated by him, and if the Public Vaccinator or Medical Practitioner deem the said Child to be then in a fit and proper State for Vaccination, he shall forthwith vaccinate him accordingly, and if the Operation be successful shall deliver to the Father or Mother of such Child, or Person having the Care, Nurture, or Custody of such Child, a Certificate under his Hand,

Hand, according to the Form of the Schedule herein-after inserted, marked (A.), that such Child has been successfully vaccinated; but if the said Public Vaccinator or Medical Practitioner be of opinion that the Child is still in an unfit State for successful Vaccination, then he shall again deliver to the Father or Mother of such Child, or Person having the Care, Nurture, or Custody of the said Child, a Certificate under his Hand, according to the said Form of Schedule (B.), that the Child is still in an unfit State for successful Vaccination; and the Public Vaccinator or Medical Practitioner, so long as such Child remains in an unfit State for Vaccination and unvaccinated, shall at the Expiration of every succeeding Period of Two Calendar Months deliver, if required, to the said Father or Mother of such Child, or Person having the Care, Nurture, or Custody of such Child, a fresh Certificate under his Hand, according to the said Form of Schedule; and the Production of such Certificate shall be a sufficient Defence against any Complaint which shall be brought against the said Father or Mother, or Person having the Care, Nurture, or Custody of such Child, for Non-compliance with the Provisions of this Act.

Child's Incapacity to receive the vaccine Disease to be certified.

13. In the event of the Public Vaccinator or any other Medical Practitioner being of opinion, after Three successive Vaccinations, that any Child is insusceptible of the vaccine Disease, he shall deliver to the Father or Mother, or Person having the Care, Nurture, or Custody of such Child, a Certificate under his Hand, according to the Form of the Schedule herein-after inserted, marked (D.), that the Child is insusceptible of vaccine Disease.

Registrar of Births, &c. to deliver a printed Notice to Person registering the Birth of any Child.

14. On the Registration of the Birth of any Child the Registrar shall deliver to the Person registering such Birth a printed Notice in the Form or as nearly as may be the Form of the Schedule (E.) hereto annexed, and setting forth such other Particulars in regard to the Provisions of this Act as in the Opinion of the Registrar General may be necessary or expedient, and such Notice shall have attached thereto in Duplicate the several Certificates (A.), (B.), and (D.), prescribed by this Act.

In Insular, Highland, and other Districts certain Provisions of this Act may be modified.

15. In Insular, Highland, and other Districts, or Portions of such Districts, where, from the Difficulty of Travelling and other Causes, it may be considered inexpedient to enforce the Provisions of this Act, as expressed in the Ninth, Tenth, Eleventh, Twelfth, Thirteenth, and Fourteenth Clauses hereof, it shall be competent to the Board of Supervision, upon Application by the Parochial Board, from Time to Time to frame such Modifications thereof as they may consider proper, and the same, when approved of by the Lord Advocate for the Time being,

being, shall be held to supersede the Provisions in these Clauses so far as regards such Districts; and the Board of Supervision may, if applied to by the Parochial Board, in such Cases appoint a Medical Practitioner or Practitioners to travel throughout such Districts for the Purpose of vaccinating under the Provisions of this Act, and may fix such reasonable Remuneration to be paid to the Medical Practitioners so appointed as they think proper, and may allocate among the Parishes or Combinations within such District such Proportion of the Expenses so fixed as the Board may think proper, and the Expenses so allocated shall be defrayed by such Parish or Combination in the same Way as the Expenses incurred by Parochial Boards in the Execution of this Act are herein directed to be paid: Provided, that in no Case shall the Remuneration to such Medical Practitioner exceed a Sum equal to Three Shillings and Sixpence for each Child vaccinated by him over and above an Allowance for Travelling Expenses.

Stationery, Books, &c to be provided.

16. Upon the Application of the Registrar General there shall be furnished to him from Time to Time from Her Majesty's Stationery Office all such Stationery, Books, Certificates, Schedules, Notices, and Forms as shall be necessary in the Execution of this Act; and the whole Expenses to be incurred by the Registrar General under the Provisions of this Act shall be defrayed in the same Manner as his Expenses are provided to be defrayed under the said recited Act Seventeenth and Eighteenth Victoria, Chapter Eighty.

Registrar General to frame Forms and Regulations.

17. The Registrar General, in carrying out the Provisions of this Act as regards Registration, is hereby empowered and directed to frame such Forms and Regulations as he may deem requisite for carrying this Act into full Effect; and not later than the First Day of December One thousand eight hundred and sixty-three, he shall transmit the necessary Books, Certificates, Schedules, Notices, and Forms to the Registrars of each District in Scotland, who shall deliver to the Public Vaccinator and other Medical Practitioners within such District such of the same as they may require for the Performance of the Duties imposed upon them by this Act.

Registrar of Births, &c. to keep Vaccination Registers.

18. The Registrar of Births, Deaths, and Marriages in every District shall enter in the Duplicate Register of Births kept and retained by him, in the Column in which the Name of each Child is written, the Word "Vaccinated" under the Name of every such Child whose Vaccination has been certified to him as herein provided, and the Word "Insusceptible" under the Name of every Child who has been certified, as herein provided, to be insusceptible of the Vaccine Disease, and shall initial each such Entry, and shall add thereto the Date of the Certificate of Vaccination or Insusceptibility, as the Case may

may be; and he shall also keep a Book in which he shall, in the Form or as nearly as may be in the Form of the Schedule (G.) hereto annexed, from Time to Time enter the Name of every Child whose Vaccination has been duly certified to him as necessarily postponed, the Date of the Certificate, and the Period for which the Vaccination is postponed, and each Entry in the Register of postponed Vaccinations shall refer to the corresponding Entry in the Register of Births of the Birth of each such Child; and such Books shall be open for Search at all reasonable Times, and the Registrar shall be obliged to give a Copy, certified under his Hand, of each Entry therein, on Payment of a Fee of One Shilling for each Search, and Sixpence for each Certificate.

Fee to be paid to Registrar for each Person vaccinated.

19. A Fee of Threepence shall be paid to the Registrar for each Person vaccinated in respect of which he shall have performed the Duties required in this Act, and the said Fee shall be payable in the same Manner as the Fee now payable to such Registrar for registering Births is paid; and the Sums required for the Execution of this Act in regard to Registration shall be laid on along with and form Part of the Assessment authorized by the Acts in force for the Registration of Births, Deaths, and Marriages in Scotland.

Penalty on Parent, &c., for not transmitting Certificate of Vaccination, &c. to Registrar.

20. In every Case where there is not transmitted to the Registrar a Certificate of the Vaccination of any Child born within his District, or of the Postponement of such Vaccination, or of the Insusceptibility of such Child to vaccine Disease, all within the Periods and in the Manner respectively hereby prescribed, the Registrar of the District shall intimate such Failure to the Father or Mother, or other Person having the Care, Nurture, or Custody of such Child, by a Notice transmitted through the Post Office; and if a Certificate, as herein provided, is not exhibited by such Father or Mother, or other Person, to the Registrar within Ten Days from the Despatch of such Notice, the Father or Mother, or other Person, so failing shall forfeit a Sum not exceeding Twenty Shillings, to be applied in the Manner in which Penalties are directed to be applied under this Act, and the further Sum of One Shilling to be paid to the Registrar in respect of such Notice; and said last-mentioned Sums may be recovered in the same Way as Penalties are herein directed to be recovered, and failing Payment of either of said Sums shall be liable to be imprisoned in any of Her Majesty's Prisons for a Period not exceeding Ten Days.

Return to be made of Number of Children vaccinated.

21. In the General Abstract of Births, Deaths, and Marriages registered during the Year which by the said recited Act Seventeenth and Eighteenth Victoria, Chapter Eighty, the Registrar General is required once in each Year to transmit to Her Majesty's Principal

Secretary of State for the Home Department, he shall from and after the passing of this Act include a Return showing the Number of Children successfully vaccinated, the Number of Children whose Vaccination has been postponed, and the Number of Children certified to be insusceptible of vaccine Disease, and such other Information as the said Secretary of State may from Time to Time require.

Registrars to be subject to Control of Registrar General.

22. In all Matters relating to the Execution of this Act the respective Registrars shall be subject to the Supervision and Control of the Registrar General and the Inspectors under him, in the same Way and Manner as such Registrars are subject to Supervision and Control under the Acts in force relating to the Registration of Births, Deaths, and Marriages in Scotland; and the Registrar General and Inspectors are hereby empowered and required to exercise such Supervision and Control; and whenever it appears to them that the Provisions of this Act are not being carried fully into effect by any Parochial Board or the Officers appointed by them, the Registrar General shall call the Attention of the Board of Supervision thereto with a View to their providing the requisite Remedy.

Public Vaccinators to keep a Book of Persons vaccinated.

23. The Medical Practitioners appointed as Public Vaccinators in each Parish or Combination shall keep a Book in which they shall enter from Time to Time the Number of Persons successfully vaccinated by them, those Cases in which Vaccination has been postponed, and those which have been certified to be insusceptible; and they shall yearly, or at such other Times as the Board of Supervision may direct, make a Return to the Board embracing these and such other Particulars as the Board of Supervision may require; and such Books and Returns shall at all Times be open to Inspection, free of Charge, by the Registrar General, Inspectors, or Registrars, and Officers of the Parochial Board of the Parish or Combination to which they relate.

No Certificate other than that of a Public Vaccinator to be received as Evidence.

24. No Certificate granted under the Provisions of this Act by any Medical Practitioner other than a Public Vaccinator shall be received as Evidence in any Information or Complaint which shall be brought against the Father or Mother or other Person having the Care, Nurture, or Custody of the Child named in said Certificate, unless the same has been duly recorded by the Registrar of the District within which such Child was born in manner herein-before provided.

Public Vaccinator to transmit to Registrars

25. In every Case where, under the Provisions of this Act, the Public Vaccinator is required to grant a Certificate of Vaccination, or of Postponement of Vaccination, or of Insusceptibility to Vaccine Disease,

Disease, and grants the same, he shall be bound, and he is hereby required, to transmit to the Registrar of the District within which the Child referred to in such Certificate was born the Particulars contained in such Certificate, in the Form, or as nearly as may be in the Form, of the Schedule (F.) hereto annexed, and that within Forty-eight Hours from the Date of such Certificate, under the Penalty of Twenty Shillings for each Omission. the Particulars of Certificate.

26. Any Person who shall produce or attempt to produce in any Person, by Inoculation with Variolous Matter, or by wilful Exposure to Variolous Matter, or to any Matter, Article, or Thing impregnated with Variolous Matter, or wilfully by any other Means whatever produce the Disease of Small-pox in Scotland, shall forfeit a Sum of Five Pounds, which shall be recoverable and shall be applied in the same Manner as Penalties are directed to be recovered and applied under the Provisions of this Act. Penalty for inoculating.

27. The Registrar in every District shall be bound, and he is hereby required, to report to the Inspector of Poor of each Parish, or Portion thereof, within such District, and to the Procurator Fiscal of the County or Burgh within which such Parish, or Portion thereof, is situated, all Cases of Neglect or Contravention of the Provisions of this Act which fall within his Knowledge, and that on the First lawful Day of each Calendar Month. Registrar to report to Inspector of Poor, &c. Cases of Neglect.

28. All Penalties imposed by this Act may be recovered by summary Proceeding, upon Complaint in Writing made by the Procurator Fiscal, or the Inspector of Poor of the Parish or Combination within which respectively the Offence shall have been committed, to the Sheriff of the County in which the Offence shall have been committed, or to the Sheriff of the County in which the Offender may be found; and on such Complaint being made, such Sheriff shall issue a Warrant for bringing the Party complained against before him, or shall issue an Order requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Order; and such Warrant or Order may contain a Warrant to cite Witnesses for both Parties; and such Warrant or Order shall be effectual in any Part of Scotland on being endorsed by the Sheriff of any County in which it is to be executed, if other than the County wherein it has been granted, and which Endorsation such Sheriff is hereby authorized to give, and such Warrant shall be a sufficient Authority to any Messenger-at-Arms or Sheriff Officer to apprehend and detain the Offender in Custody till he can be brought before the Sheriff; and any such Order shall be served by a Messenger- Recovery of Penalties.

at-Arms or Sheriff's Officer on the Party offending, either in Person or by leaving with some Inmate at his usual Place of Abode, a Copy of such Order and of the Complaint whereupon the same has proceeded; and either upon the Appearance, or upon the Default to appear of the Party offending, it shall be lawful for the Sheriff to proceed to the hearing of the Complaint, and upon Proof of the Offence, either by the Confession of the Party complained against or other legal Evidence, and without any written Pleadings or Record of Evidence, to convict the Offender; and upon such Conviction to decern and adjudge the Offender to pay the Penalty incurred, as well as such Expenses as the Sheriff shall think fit, and to grant Warrant for imprisoning the Offender until such Penalty and Expenses shall be paid: Provided always, that such Warrant shall specify the Amount of such Penalty and Expenses, and shall also specify a Period at the Expiration of which the Party shall be discharged, notwithstanding such Penalty or Expenses shall not have been paid, and shall in no Case exceed Two Calendar Months: Provided also, that it shall be lawful for the Sheriff, if he shall see good Cause so to do, to adjourn the Proceedings for such Time as he may consider proper for the Ends of Justice; and in such Cases the Sheriff shall have Power to allow the Party complained of to go at Liberty, on finding proper Bail, to be fixed by him, to appear at any such adjourned Diet of the Proceedings.

When Proceedings for enforcing Penalties may be raised.

29. It shall be competent to raise such Proceedings for enforcing any Penalties incurred in contravention of this Act at any Time during which the Person against whom such Proceedings are taken is in default; and the Sheriff by whom any Penalty shall be found due, by virtue of this Act, shall award such Penalty to the Funds for the Support of the Poor of the Parish or Combination in which the Offence shall have been committed, and shall order the same to be paid over to the Inspector of Poor or other Officer of the Parochial Board for that Purpose.

Board of Supervision to compel Performance of Acts and Duties by Parochial Board.

30. Wherever the Parochial Board of any Parish or Combination shall fail to do or perform any of the Acts or Duties hereby required of them, it shall be lawful to the Board of Supervision, without Prejudice to any Right competent to such Board of Supervision to compel Performance thereof, to do or perform the same, and the Acts or Duties so done and performed by the Board of Supervision shall be as valid and effectual as if done or performed by the Parochial Board failing as aforesaid; and the Board of Supervision shall have the same Powers for directing and enforcing the Execution of this Act by Parochial Boards as they now or may hereafter have in relation to

any

any Matter concerning the Administration of the Laws for the Relief of the Poor.

Where no Parochial Board exists, Heritors to act.

31. Wherever under the Provisions of this Act the Parochial Board of a Parish is required to do or perform any Acts or Duties, and no Parochial Board exists within such Parish, the Heritors, as defined in the Seventeenth and Eighteenth Victoria, Chapter Eighty, except as after provided, shall do or perform such Act or Duty in the same Manner as is provided with respect to Heritors, in the like Cases, in the said recited Act, and in the Eighteenth Victoria, Chapter Twenty-nine: Provided always, that when any such Parish, or Portion thereof, is situate within Burgh, the Town Council shall have the same Powers with reference to the Execution of this Act, in so far as Registration is concerned, as are conferred by the Acts in force for the Registration of Births, Marriages, and Deaths.

Disputes to be determined by Sheriff.

32. Any Dispute or Difference which may arise in regard to the Election of Public Vaccinators, or as to the Allocation of the Expenses attendant upon the Execution of this Act, between Parishes or otherwise, shall be determined by the Sheriff of the County in which such Parishes are situate, or if in different Counties, then by the Sheriff of the County in which the Parish, or Portion of a Parish so disputing possessed of the largest Rental is situated, such Rental being ascertained by the Valuation Roll in force at the Time.

Interpretation.

33. The following Words and Expressions in this Act shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "Registrar General" shall mean the Registrar General of Births, Deaths, and Marriages in Scotland for the Time being, appointed and acting under the Seventeenth and Eighteenth Victoria, Chapter Eighty. The Word "Sheriff" shall mean the Sheriff of the County in which he is Sheriff, and shall include Sheriff Substitutes:

The Expression "Board of Supervision" shall mean the Board of Supervision for Relief of the Poor in Scotland:

The Expression "Medical Practitioner" shall mean any Person registered as a Practitioner in Medicine or Surgery pursuant to the Act Twenty-first and Twenty-second Victoria, Chapter Ninety, or any Clerk or Assistant authorized by the Medical Officer of any Infirmary or Hospital:

The Expression "Public Vaccinator" shall mean the Medical Practitioner appointed by any Parish or Combination to vaccinate in such Parish or Combination:

The Expression "the District" shall mean and include the Registration District at the Time existing, erected under and in virtue of an Act passed in the Seventeenth and Eighteenth Year of the Reign of Her Majesty Queen Victoria, Chapter Eighty, intituled "An Act to provide for the better Registration of Births, Deaths, and Marriages in Scotland," and of another Act passed in the Eighteenth Year of the Reign of Her Majesty, Chapter Twenty-nine, intituled "An Act to make "further Provision for the Registration of Births and Marriages "in Scotland."

SCHEDULES referred to by this Act.

SCHEDULE (A.)

I, the undersigned, hereby certify, That the Child of aged of the Parish of in the County of has been successfully vaccinated by me.

Dated this Day of 186 .

(Signed) *A.B.*,
Surgeon of the Parish *or* Combination
(*or other Medical Practitioner, as the Case may be*).

SCHEDULE (B.)

I, the undersigned, hereby certify, That I am of opinion that the Child of of the Parish of in the County of aged is not now in a fit and proper State to be successfully vaccinated, and I do hereby postpone the Vaccination until the Day of .

Dated this Day of 186 .

(Signed) *A.B.*,
Surgeon of the Parish *or* Combination
(*or other Medical Practitioner, as the Case may be*).

SCHE-

SCHEDULE (C.)

I, the undersigned, hereby give you Notice, and require you to have *C.D.* vaccinated within Six Months after the Birth, pursuant to the Provisions and Directions of the Act of the Victoria, Chapter . As witness my Hand this Day of 186 .

J.B.,
Registrar of Births, Deaths, and Marriages
for the District of
(*as the Case may be*).

SCHEDULE (D.)

I, the undersigned, hereby certify, That I am of opinion that the Child of of the Parish of in the County of is insusceptible of the Vaccine Disease.

Dated this Day of 186 .

(Signed) *A.B.*,
Surgeon of the Parish *or* Combination of (*or other Medical Practitioner, as the Case may be.*)

SCHEDULE (E.)

To the Parent or Guardian of (*insert Name of Child whose Birth is registered*).

Take Notice, that this Child must be vaccinated, under the Provisions of and Victoria, Chapter , within Months from the Date of his (*or* her) Birth, under a Penalty of £

Dr. , the Vaccinator for the Parish of attends on (*insert Days of Week*), between the Hours of and to vaccinate gratis.

Eight Days after such Vaccination the Child must be taken to the Vaccinator, who will judge if the Vaccination has been successful, and if not successful the Vaccination is to be repeated.

(Signed) *A.B.*, Registrar.

SCHEDULE (F.)

Schedule of Particulars to be transmitted by Public Vaccinator to Registrar.

Full Name of Child.	Sex.	Parent's Name.	Parish of Birth of Child.	Nature of Certificate granted in each Case.	Date to which postponed.	Date of Certificate.
John Smith -	Male -	James Smith -	Dalkeith -	Successfully vaccinated.	- - -	4 January 1864.
Mary Jones -	Female	John Jones -	Dalkeith -	Postponed - -	20 May 1864	5 January 1864.
James Irvine -	Male -	John Irvine -	Dalkeith -	Insusceptible -	- - -	5 January 1864.

I, Public Vaccinator for the Parish of , in the County of , hereby certify that I have granted Certificates under the Vict. Cap. , containing the Particulars specified in this Schedule, and of the Dates respectively herein stated.

(Signed)

Public Vaccinator for the Parish of .

SCHEDULE (G.)

Register of postponed Vaccinations for the District of in the Parish of .

No.	——	Birth Register in which recorded.		Period to which Vaccination postponed.	Date of Certificate.	Signature of Registrar.
		Year.	No. of Entry.			
1	Mary Nixson -.	1864	12	Postponed to 10th March 1864.	12th January 1864 -	J. Smith, Registrar.
2	Thomas Dickson	1864	14	Postponed to 4th February 1864.	4th January 1864 -	J. Smith, Registrar.
3						

LORDS AMENDMENTS

TO THE

VACCINATION (SCOTLAND) BILL.

Note.—*The Page and Line refer to the Bill* (193.) *as printed by the Lords.*

Page 1.

Line 10. After ("appoint a") insert ("registered"), and in same Line leave out ("Public")

Line 11. Leave out from ("Combination") to the End of the Clause.

Line 14. Leave out from the Beginning of the Clause to ("Remuneration") in Line 16. and insert ("The")

Page 2.

Line 1. Leave out ("Public")

Line 3. Leave out ("Public") and ("that")

Line 6. Leave out ("Public")

Leave out Clause 4.

Lines 40. and 41. Leave out ("Public")

Page 3.

Line 2. Leave out ("Public")

Line 28. Leave out ("Calendar"), and leave out from ("Child") to the End of the Clause and insert ("cause such Child to be vaccinated by a Medical Practitioner, and upon and immediately after the successful Vaccination of such Child the Medical Practitioner who shall have performed the Operation shall deliver to the Father or Mother of such Child, or to the Person who shall have the Care, Nurture, or Custody of such Child, a Certificate under his Hand according to the Form of the Schedule (A.) hereto annexed, that such Child has been successfully vaccinated; and such Certificate shall, within Three Days after the Date thereof, be transmitted to and lodged with the Registrar for the District by the Father, Mother, or Person aforesaid, and such Certificate, if registered, shall, without further Proof, be admissible as Evidence of the successful Vaccination of such Child in any Information or Complaint which shall be brought against the Father, Mother, or Person aforesaid for Non-compliance with the Provisions of this Act.")

Leave out Clauses 10. and 11.

Page 4.

Line 20. Leave out ("the Public Vaccinator or")

Line 24. Leave out ("the said") and insert ("such")

Page 4.

Lines 25. and 26. Leave out (" herein-after inserted marked ")
Line 26. After (" (B.) ") insert (" hereto annexed ")
Line 27. Leave out (" Calendar ")
Line 28. Leave out (" or "), and leave out from (" Mother ") to (" shall ") in Line 30. and insert (" or Person " aforesaid ")
Lines 31. and 32. Leave out (" the Public Vaccinator or other ") and insert (" a ")
Line 34. Leave out (" or by ")
Line 36. Leave out (" Calendar ")
Lines 36. and 37. Leave out from (" vaccinated ") to (" such ") in Line 38. and insert (" cause ")
Lines 38. and 39. Leave out (" vaccinated by him, and if the " Public Vaccinator or Medical Practitioner deem " the said ") and insert (" examined by a Medical " Practitioner, and if he deem such ")
Lines 42. and 43. Leave out (" having the Care, Nurture, or " Custody of such Child ") and insert (" aforesaid ")

Page 5.

Line 1. After (" of the ") insert (" said ")
Lines 1. and 2. Leave out (" herein-after inserted, marked ")
Line 3. Leave out (" said Public Vaccinator or ")
Line 6. Leave out (" having the Care, Nurture, or Custody of " the said Child ") and insert (" aforesaid ")
Line 7. Leave out (" said "), and after (" of ") insert (" the " said ")
Line 9. Leave out (" Public Vaccinator or ")
Line 12. Leave out (" Calendar ") and (" said ")
Lines 13. and 14. Leave out (" having the Care, Nurture, or " Custody of such Child ") and insert (" aforesaid ")
Line 15. Leave out (" of Schedule ")
Line 17. Leave out (" said ")
Lines 17. and 18. Leave out (" having the Care, Nurture, or " Custody of such Child ") and insert (" aforesaid ")
Line 20. Leave out (" Public Vaccinator or any other ")
Line 25. Leave out (" herein-after inserted marked (D.) ") and insert (" (C.) hereto annexed ")
Line 29. Leave out (" (E.) ") and insert (" (D.) ")
Line 33. Leave out (" (D.) ") and insert (" (C.) ")
Line 38. After (" the ") insert (" Eighth "), and after (" Tenth ") insert (" and ")
Lines 38. and 39. Leave out (" Twelfth, Thirteenth, and " Fourteenth ")

Page 6.

Line 31. Leave out (" Public ")

Page

Page 7.

Line 2. Leave out ("(G.)") and insert ("(E.)")

Line 5. After ("postponed") insert ("and")

Line 14. Leave out ("which") and insert ("whom")

Lines 26. and 31. Leave out ("other")

Line 31. After ("Person") insert ("aforesaid")

Line 37. After ("Sums") insert ("such Father, Mother, or "Person aforesaid")

Line 38. After ("Days") insert Clause (A.)

CLAUSE (A.) Parochial Board to issue Order for Vaccination on receipt of List from Registrar.

The Registrar of each District shall once in every Six Months transmit to the Inspector of the Poor of the Parish or Combination in which such District is situate a List of the Names and Addresses of such Persons as have failed to transmit or lodge a Certificate of Vaccination in Terms of this Act; and on the Receipt of such List the Inspector of the Poor shall lay the same before the Parochial Board of such Parish or Combination, and thereupon the Parochial Board shall issue an Order to the Vaccinator appointed by them to vaccinate the Persons named in such List; and Notice in Writing of such Order shall be given to such Persons, or, if Children, to their Father or Mother, or the Persons having Care of them; and in pursuance of such Order the Vaccinator shall vaccinate the Persons named therein, or any of them, at any Time not less than Ten nor more than Twenty Days after the Date of such Notice, unless such Persons shall previously have been vaccinated, and a Certificate of their Vaccination or Insusceptibility shall have been transmitted to the Registrar; and if any such Person or the Parent or Person having the Care of any such Child shall refuse to allow such Operation to be performed, he shall for every such Offence be liable to a Penalty not exceeding Twenty Shillings, and failing Payment, to be imprisoned for any Period not exceeding Ten Days.

Page 8.

Line 19. Leave out ("Public")

Lines 31. and 32. Leave out ("by any Medical Practitioner "other than a Public Vaccinator")

Line 40. Leave out ("Public")

Page 9.

Leave out Clause **27.**

Lines 24. and 25. Leave out ("Procurator Fiscal or the")

Page 10.

Line 17. Leave out ("Calendar")

Page 11.

Line 16. Leave out ("Election of Public Vaccinators, or as to "the")

Line 38. Leave out from ("Ninety") to ("The") in Line 40. and insert ("and shall include the Vaccinator")

Line 40. Leave out ("Public")

Line 41. Leave out ("vaccinate") and insert ("act as such")

Page

Page 13.

Leave out Schedule (C.)

Line 11. Leave out ("(D.)") and insert ("(C.)")

Line 20. Leave out ("(E.)") and insert ("(D.)")

Line 26. Leave out from ("£ ") to ("(Signed)") in Line 33.

Line 33. After ("Registrar") insert ("Schedule (E.)")

SCHEDULE (E.)

Register of postponed Vaccinations for the District of in the Parish of .

No.	—	Birth Register in which recorded.		Period to which Vaccination postponed.	Date of Certificate.	Signature of Registrar.
		Year.	No. of Entry.			
1	Mary Nixson -	1864	12	Postponed to 10th March 1864.	12th January 1864 -	J. Smith, Registrar.
2	Thomas Dickson	1864	14	Postponed to 4th February 1864.	4th January 1864 -	J. Smith, Registrar.
3						

Page 14.

Lines 2., 10., and 15. Leave out ("Public")

Leave out Schedule (G.)

LORDS AMENDMENTS

TO THE

VACCINATION (SCOTLAND) BILL.

Ordered, by The House of Commons, *to be Printed,* 23 *July* 1863.

[Bill 262.]

Under 1 *oz.*

Vice Admiralty Courts Bill.

ARRANGEMENT OF CLAUSES.

Short Title of Act; Sect. 1.
Interpretation of Terms; 2.
Appointment of Vice Admiral; 3.
Appointment of Judge; 4.
Appointment of Registrar and Marshal; 5.
Names of Appointees, &c. to be notified to the Home Government; 6.
Saving the Powers of the Admiralty; 7.
Past Proceedings confirmed; 8.
Protection of Officers; 9.
Jurisdiction of Vice Admiralty Courts; 10, 11.
Saving all existing Jurisdictions; 12.
As to Matters arising beyond Limits of Colony; 13.
Her Majesty empowered to establish and alter Rules and Tables of Fees; 14.
Rules and Tables of Fees to be laid before the House of Commons; 15.
To be entered in the Records of the Courts; 16.
To be hung up in Court, &c.; 17.
Established Fees to be the only Fees taken; 18.
Taxation may be revised by the High Court of Admiralty; 19.
Registrar may administer Oaths; 20.
As to the Hearing of Cross Causes; 21.
No Appeal save from Final Sentence or Order; 22.
Appeal to be made within Six Months; 23.
Acts repealed; 24.
Schedules A. and B.

A

B I L L

INTITULED

An Act to facilitate the Appointment of Vice Admirals and of Officers in Vice Admiralty Courts in Her Majesty's Possessions abroad, and to confirm the past Proceedings, to extend the Jurisdiction, and to amend the Practice of those Courts.

Preamble.

WHEREAS it is expedient to facilitate the Appointment of Vice Admirals and of Officers in Vice Admiralty Courts in Her Majesty's Possessions abroad, and to confirm the past Proceedings, to extend the Jurisdiction, and to amend the Practice of those Courts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as the "Vice Admiralty Courts Act, 1863."

Interpretation of Terms.

2. In the Interpretation and for the Purposes of this Act (if not inconsistent with the Context or Subject Matter) the following Terms shall

shall have the respective Meanings herein-after assigned to them; that is to say,

"Her Majesty" shall mean Her Majesty, Her Heirs and Successors:

The "Admiralty" shall mean the Lord High Admiral or the Commissioners for executing his Office:

"British Possession" shall mean any Colony, Plantation, Settlement, Island, or Territory being a Part of Her Majesty's Dominions, but not being within the Limits of the United Kingdom of Great Britain and Ireland, or of Her Majesty's Possessions in India:

"Governor" shall mean the Officer for the Time being lawfully administering the Government of any British Possession:

"Vice Admiralty Court" shall mean any of the existing Vice Admiralty Courts enumerated in the Schedule marked A. hereto annexed, or any Vice Admiralty Court which shall hereafter be established in any British Possession:

"Ship" shall include every Description of Vessel used in Navigation not propelled by Oars only, whether British or Foreign:

"Cause" shall include any Cause, Suit, Action, or other Proceeding instituted in any Vice Admiralty Court.

Appointment of Vice Admiral.

3. In any British Possession, where the Office of Vice Admiral is now, or shall at any Time hereafter become vacant, the Governor of such Possession shall be ex officio Vice Admiral thereof, until a Notification is received in the Possession that a formal Appointment to that Office has been made by the Admiralty in the Manner hereinafter mentioned.

Appointment of Judge.

4. In any British Possession, where the Office of Judge of a Vice Admiralty Court is now or shall at any time hereafter become vacant, the Chief Justice, or the principal Judicial Officer of such Possession, or the Person for the Time being lawfully authorized to act as such, shall be ex officio Judge of the Vice Admiralty Court, until a Notification is received in the Possession that a formal Appointment to that Office has been made by the Admiralty in the Manner hereinafter mentioned.

Appointment of Registrar and Marshal.

5. In any British Possession, where the Office of Registrar or Marshal of any Vice Admiralty Court is now or shall at any Time hereafter become vacant, the Judge of the Court may, with the Approval of the Governor, appoint some Person to the vacant Office, until a Notification is received in the Possession that a formal Appointment thereto has been made by the Admiralty in the Manner herein-after mentioned, and may, for good and reasonable Cause, to be approved by the Governor, remove the Person so appointed. The Judge

Judge may also appoint some Person to act as Registrar or Marshal during the temporary Absence of either of those Officers.

Names of Appointees, &c. to be notified to the Home Government.

6. On any Vacancy in the Office of Judge, Registrar, or Marshal of any Vice Admiralty Court, the Governor of the British Possession in which the Court is established shall, as soon as is practicable, communicate to One of Her Majesty's Principal Secretaries of State the Fact of the Vacancy, and the Name of the Person succeeding or appointed to the vacant Office.

Saving the Powers of the Admiralty.

7. Nothing in this Act contained shall be taken to affect the Power of the Admiralty to appoint any Vice Admiral, or any Judge, Registrar, Marshal, or other Officer of any Vice Admiralty Court, as heretofore, by Warrant from the Admiralty, and by Letters Patent issued under Seal of the High Court of Admiralty of England.

Past Proceedings confirmed. 56 G. 3. c. 82. and 17 & 18 Vict. c. 37. s. 1.

8. No Act done by any Person in the Capacity of Judge, Registrar, or Marshal of any Vice Admiralty Court, which shall not have been set aside by any competent Authority before the passing of this Act, shall be held invalid by reason that such Person had not been duly appointed, but all such Acts shall be as valid and effectual as if done by a Person duly appointed.

Protection of Officers. 17 & 18 Vict. c. 37. s. 2.

9. No Action, Prosecution, or other Proceeding shall be brought against any such Person by reason of the Illegality or Informality of any Act hereby declared to be valid and effectual.

Jurisdiction of Vice Admiralty Courts.

10. The Matters in respect of which the Vice Admiralty Courts shall have Jurisdiction are as follow:

(1.) Claims for Seamen's Wages: 2 & 3 W. 4. c. 51. s. 6.

(2.) Claims for Master's Wages, and for his Disbursements on account of the Ship: 24 Vict. c. 10. s. 10.

(3.) Claims in respect of Pilotage: 2 & 3 W. 4. c. 51. s. 6.

(4.) Claims in respect of Salvage of any Ship, or of Life or Goods therefrom: 2 & 3 W. 4. c. 51. s. 6. and 24 Vict. c. 10. s. 9.

(5.) Claims in respect of Towage: 3 & 4 Vict. c. 65. s. 6.

(6.) Claims for Damage done by any Ship: 2 & 3 W. 4. c. 51. s. 6. and 24 Vict. c. 10. s. 7.

(7.) Claims in respect of Bottomry or Respondentia Bonds: 2 & 3 W. 4. c. 51. s. 6.

3 & 4 Vict. c. 65. s. 3.

(8.) Claims in respect of any Mortgage where the Ship has been sold by a Decree of the Vice Admiralty Court, and the Proceeds are under its Control:

24 Vict. c. 10. s. 8.

(9.) Claims between the Owners of any Ship registered in the Possession, in which the Court is established, touching the Ownership, Possession, Employment, or Earnings of such Ship:

3 & 4 Vict. c. 65. s. 6. and 24 Vict. c. 10. s. 5.

(10.) Claims for Necessaries supplied, in the Possession in which the Court is established, to any Ship of which no Owner or Part Owner is domiciled within the Possession at the Time of the Necessaries being supplied:

24 Vict. c. 10. s. 4.

(11.) Claims in respect of the building, equipping, or repairing within any British Possession of any Ship of which no Owner or Part Owner is domiciled within the Possession at the Time of the Work being done.

Jurisdiction of Vice Admiralty Courts.

11. The Vice Admiralty Courts shall also have Jurisdiction —

2 & 3 W. 4. c. 51. s. 6.

(1.) In all Cases of Breach of the Regulations and Instructions relating to Her Majesty's Navy at Sea;

2 & 3 W. 4 c. 51. s. 6.

(2.) In all Matters arising out of Droits of Admiralty.

Saving all existing Jurisdictions.

12. Nothing contained in this Act shall be construed to take away or restrict the Jurisdiction conferred upon any Vice Admiralty Court by any Act of Parliament in respect of Seizures for Breach of the Revenue, Customs, Trade, or Navigation Laws, or of the Laws relating to the Abolition of the Slave Trade, or to the Capture and Destruction of Pirates and Piratical Vessels, or any other Jurisdiction now lawfully exercised by any such Court; or any Jurisdiction now lawfully exercised by any other Court within Her Majesty's Dominions.

As to Matters arising beyond Limits of Colony.

2 & 3 W. 4. c. 51. s. 6.

13. The Jurisdiction of the Vice Admiralty Courts, except where it is expressly confined by this Act to Matters arising within the Possession in which the Court is established, may be exercised, whether the Cause or Right of Action has arisen within or beyond the Limits of such Possession.

Her Majesty empowered to establish and alter Rules and Tables of Fees.

2 & 3 W. 4. c. 51. s. 1.

14. Her Majesty may, by Order in Council, from Time to Time establish Rules touching the Practice to be observed in the Vice Admiralty Courts, as also Tables of the Fees to be taken by the Officers and Practitioners thereof for all Acts to be done therein, and may repeal and alter the existing, and all future Rules and Tables of Fees, and establish new Rules and Tables of Fees in addition thereto, or in lieu thereof.

15. A Copy

15. A Copy of any Rules or Tables of Fees which may at any Time be established shall be laid before the House of Commons within Three Months from the establishing thereof, or if Parliament shall not be then sitting, or if the Session shall terminate within One Month from that Date, then within One Month after the Commencement of the next Session.

Rules and Tables of Fees to be laid before the House of Commons. 2 & 3 W. 4. c. 51. s. 2.

16. The Rules and Tables of Fees in force in any Vice Admiralty Court shall, as soon as possible after they have been received in the British Possession in which the Court is established, be entered by the Registrar in the public Books or Records of the Court, and the Books or Records in which they are so entered shall at all reasonable Times be open to the Inspection of the Practitioners and Suitors in the Court.

To be entered in the Records of the Courts. 2 & 3 W. 4. c. 51. ss. 1. 4.

17. A Copy of the Rules and Tables of Fees in force in any Vice Admiralty Court shall be kept constantly hung up in some conspicuous Place as well in the Court as in the Office of the Registrar.

To be hung up in Court, &c. 2 & 3 W. 4. c. 51. s. 4.

18. The Fees established for any Vice Admiralty Court shall, after the Date fixed for them to come into Operation, be the only Fees which shall be taken by the Officers and Practitioners of the Court.

Established Fees to be the only Fees taken. 2 & 3 W. 4. c. 51. s. 3.

19. Any Person who shall feel himself aggrieved by the Charges of any of the Practitioners in any Vice Admiralty Court, or by the Taxation thereof by the Officers of the Court, may apply to the High Court of Admiralty of England to have the Charges taxed, or the Taxation thereof revised.

Taxation may be revised by the High Court of Admiralty. 2 & 3 W. 4. c. 51. s. 5.

20. The Registrar of any Vice Admiralty Court shall have Power to administer Oaths in relation to any Matter depending in the Court; and any Person who shall wilfully swear falsely in any Proceeding before the Registrar, or before any other Person authorized to administer Oaths in the Court, shall be deemed guilty of Perjury, and shall be liable to all the Penalties attaching to wilful and corrupt Perjury.

Registrar may administer Oaths. 24 Vict. c. 10. s. 26.

21. If a Cause of Damage by Collision be instituted in any Vice Admiralty Court, and the Defendant institute a Cross Cause in respect of the same Collision, the Judge may, on application of either Party, direct both Causes to be heard at the same Time and on the same Evidence; and if the Ship of the Defendant in one of the Causes has been arrested, or Security given by him to answer Judgment, but the Ship of the Defendant in the other Cause cannot

As to the Hearing of Cross Causes. 24 Vict. c. 10. s. 34.

be arrested, and Security has not been given to answer Judgment therein, the Court may, if it think fit, suspend the Proceedings in the former Cause until Security has been given to answer Judgment in the latter Cause.

No Appeal save from final Sentence or Order.

22. The Appeal from a Decree or Order of a Vice Admiralty Court lies to Her Majesty in Council; but no Appeal shall be allowed, save by permission of the Judge, from any Decree or Order not having the force or effect of a definitive Sentence or final Order.

Appeal to be made within Six Months. 6 & 7 Vict. c. 38. s. 11.

23. The Time for appealing from any Decree or Order of a Vice Admiralty Court shall, notwithstanding any existing Enactment to the contrary, be limited to Six Months from the Date of the Decree or Order appealed from; and no Appeal shall be allowed where the Petition of Appeal to Her Majesty shall not have been lodged in the Registry of the High Court of Admiralty and of Appeals within that time, unless Her Majesty in Council shall, on the Report and Recommendation of the Judicial Committee of the Privy Council, be pleased to allow the Appeal to be prosecuted, notwithstanding that the Petition of Appeal has not been lodged within the Time prescribed.

Acts repealed. Saving Rules established under 2 & 3 W. 4. c. 51.

24. The Acts enumerated in the Schedule hereto annexed marked B. are hereby repealed, to the extent therein mentioned, but the Repeal thereof shall not affect the Validity of any Rules, Orders, Regulations, or Tables of Fees heretofore established and now in force, in pursuance of the Act of the Second and Third William the Fourth, Chapter Fifty-one; but such Rules, Orders, Regulations, and Tables of Fees shall continue in force until repealed or altered under the Provisions of this Act.

SCHE-

SCHEDULE A.

List of the existing Vice Admiralty Courts to which this Act applies.

Antigua.
Bahamas.
Barbadoes.
Bermuda.
British Columbia.
British Guiana.
British Honduras.
Cape of Good Hope.
Ceylon.
Dominica.
Falkland Islands.
Gambia River.
Gibraltar.
Gold Coast.
Grenada.
Hong Kong.
Jamaica.
Labuan.
Lagos.
Lower Canada, otherwise Quebec.
Malta.
Mauritius.
Montserrat.
Natal.
Nevis.
New Brunswick.
Newfoundland.
New South Wales.
New Zealand.
Nova Scotia, otherwise Halifax.
Prince Edward Island.
Queensland.
Saint Christopher.
Saint Helena.
Saint Lucia.
Saint Vincent.
Sierra Leone.
South Australia.
Tasmania, formerly called Van Diemen's Land.
Tobago.
Trinidad.
Vancouver's Island.
Victoria.
Virgin Islands, otherwise Tortola.
Western Australia.

SCHEDULE B.

Acts and Parts of Acts repealed.

Reference to Act.	Title of Act.	Extent of Repeal.
56 Geo. III. c. 82. -	An Act to render valid the Judicial Acts of Surrogates of Vice Admiralty Courts abroad, during Vacancies in Office of Judges of such Courts.	The whole Act, save as regards Her Majesty's Possessions in India.
5 Geo. IV. c. 113. -	An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade.	Section 29, save as above.
2 & 3 Will. IV. c. 51.	An Act to regulate the Practice and the Fees in the Vice Admiralty Courts abroad, and to obviate Doubts as to their Jurisdiction.	The whole Act, save as above.
6 & 7 Vict. c. 38. -	An Act to make further Regulations for facilitating the hearing Appeals and other Matters by the Judicial Committee of the Privy Council.	Section 11, so far as it relates to Appeals from Vice Admiralty Courts, save as above.
17 & 18 Vict. c. 37. -	An Act for establishing the Validity of certain Proceedings in Her Majesty's Court of Vice Admiralty in Mauritius.	The whole Act.

Volunteers Bill.

ARRANGEMENT OF CLAUSES.

Clauses.	For former Enactments on same Subjects, see
1. Short Title.	
PART I.	
ORGANIZATION OF VOLUNTEER FORCE.	
Acceptance of Service.	
2. Power for Crown to accept Services through Lieutenants of Counties.	44 Geo. 3. c. 54. s. 3.
Permanent Staff.	
3. Power for Crown to form a Permanent Staff -	44 Geo. 3. c. 54. ss. 3. 21.
Officers and Volunteers.	
4. Officers commissioned by Lieutenant of County	44 Geo. 3. c. 54. s. 3.
5. Rank of Officers, and Seats in House of Commons.	44 Geo. 3. c. 54. ss. 26. 58.
6. Oath in Schedule - - - - -	44 Geo. 3. c. 54. s. 20. (43 Geo. 3. c. 96. s. 58.)
7. Power for Volunteer to quit Corps - -	44 Geo. 3. c. 54. ss. 30. 31. 33.
8. Discharge of Volunteer taking Service in Militia or Army.	44 Geo. 3. c. 54. s. 31.
General Command.	
9. Power for Crown to put Volunteers under Command of General or Field Officers.	44 Geo. 3. c. 54. s. 24.
Inspection.	
10. Annual Inspection - - - -	44 Geo. 3. c. 54. s. 12.
Efficiency.	
11. Requisites of Efficiency under Order in Council	44 Geo. 3. c. 54. s. 8. 50 Geo. 3. c. 25. s. 3. 56 Geo. 3. c. 39.
Disbanding of Corps.	
12. Power for Crown to disband Corps - -	44 Geo. 3. c. 54. s. 3.
Existing Corps.	
13. Power for Crown to continue Services of Corps already formed.	44 Geo. 3. c. 54. s. 3.
Administrative Organization.	
14. Formation of Administrative Regiments.	

Clauses.	For former Enactments on same Subjects, see
Regulations.	
15. Power for Secretary of State to make Regulations for Government of Volunteer Force.	
PART II.	
Actual Military Service.	
16. In case of Invasion, Power for Crown to call out Volunteers for actual Military Service.	44 Geo. 3. c. 54. s. 22.
17. Allowances to Corps called out - -	44 Geo. 3. c. 54. ss. 36. 37. 38.
18. Release of Corps from actual Military Service -	44 Geo. 3. c. 54. ss. 22. 36.
19. Application of Provisions as to actual Military Service to Volunteers acting in Suppression of Riots or Tumults.	44 Geo. 3. c. 54. s. 23. 57 Geo. 3. c. 44.
20. Provision for Officers and Men disabled, and for Widows of Officers killed.	44 Geo. 3. c. 54. s. 40.
PART III.	
Discipline.	
Officers and Volunteers.	
21. Discipline of Volunteers while not on actual Military Service.	44 Geo. 3. c. 54. ss. 21. 27. 29.
Permanent Staff.	
22. Discipline of Permanent Staff while not on actual Military Service.	44 Geo. 3. c. 54. s. 21.
Actual Military Service.	
23. Discipline of Volunteer Force when on actual Military Service.	44 Geo. 3. c. 54. ss. 22. 23.
PART IV.	
Rules and Property of Corps.	
24. Power for Corps to make Rules, subject to Approval of Crown.	44 Geo. 3. c. 54. s. 56.
25. Vesting of Property of Corps in Commanding Officer ex officio.	44 Geo. 3. c. 54. s. 50. 23 & 24 Vict. c. 140. s. 5. 25 & 26 Vict. c. 41. s. 4.
26. Storehouses for Arms - - - -	44 Geo. 3. c. 54. s. 42.
27. Recovery of Subscriptions or Fines - -	44 Geo. 3. c. 54. s. 51.
28. Wrongful Sale, Non-delivery, &c. of Public or Corps Property.	44 Geo. 3. c. 54. ss. 44. 52.
29. Wrongful buying of Arms, &c. from Volunteers	44 Geo. 3. c. 54. s. 45. (25 & 26 Vict. c. 5. s. 85.)
30. Injury to Butts or Targets - - -	25 & 26 Vict. c. 41. s. 5.

Clauses.	For former Enactments on same Subjects, see
PART V.	
ACQUISITION OF LAND FOR RANGES.	
31. Power for Corps to purchase Land - -	
32. Power for Landowner to give Land - -	
33. Power for Commissioner of Works to grant Right of shooting in Royal Parks, &c.	23 & 24 Vict. c. 140.
34. Power for certain Authorities to grant Licences to use Lands.	25 & 26 Vict. c. 41.
35. Power for Corporations, Justices, Trustees, &c. to grant Licence to use Land.	
36. 8 & 9 Vict. cc. 18. and 19. incorporated.	
37. Mode in which Certificate of Lieutenant and Act of Parliament obtained.	
38. Power for Justices to stop Footpaths - -	
39. Power for Secretary of State to make Byelaws -	23 & 24 Vict. c. 140.
40. Proof of Cesser of Land being used for Purposes of this Part of Act.	25 & 26 Vict. c. 41.
PART VI.	
EXEMPTIONS.	
41. Service in Militia - - - - -	44 Geo. 3. c. 54. ss. 4. 10. 53 Geo. 3. c. 81. s. 4. (24 & 25 Vict. c. 28. s. 29.)
42. Horse Duty - - - - -	44 Geo. 3. c. 54. s. 11.
43. Penalty for false Certificate - - -	44 Geo. 3. c. 54. s. 15.
44. Friendly or Benefit Society - - -	23 & 24 Vict. c. 13.
45. Tolls - - - - - -	24 & 25 Vict. c. 126.
PART VII.	
MISCELLANEOUS PROVISIONS.	
46. Allowances in Schedule to Clerks of General Meetings of Lieutenancy.	7 Geo. 4. c. 58. s. 5.
47. Pecuniary Penalties to be recovered summarily; Application of certain Penalties.	
48. Interpretation. Application of Provisions respecting Adjutants, Serjeant Instructors, and Administrative Regiments.	
49. Application of Act to Isle of Wight, Cinque Ports, Isle of Man, and other Places.	
50. Repeal of Enactments in Schedule.	
51. Saving for Honourable Artillery Company.	
52. Extent of Act.	
SCHEDULE.	

A

B I L L

TO

Consolidate and amend the Acts relating to the Volunteer Force in Great Britain.

WHEREAS it is expedient to consolidate and amend the Acts relating to the Volunteer Force in Great Britain:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited as The Volunteer Act, 1863. Short Title.

PART I.

Organization of Volunteer Force.

Acceptance of Service.

2. It shall be lawful for Her Majesty to accept the Services of any Persons desiring to be formed under this Act into a Volunteer Corps, and offering their Services to Her Majesty through the Lieutenant of a County. Power for Crown to accept Services through Lieutenants of Counties.

On such Acceptance the proposed Corps shall be deemed lawfully formed under this Act as a Corps of that County.

Permanent Staff.

Power for Crown to form a Permanent Staff.

3. Her Majesty may from Time to Time constitute for any Volunteer Corps a Permanent Staff, consisting of an Adjutant commissioned by Her Majesty, and of so many Serjeant Instructors as may seem fit, engaged and attested (according to Regulations under this Act) for a Period not exceeding Five Years, or of such an Adjutant, or of such Serjeant Instructors, alone.

For the Purposes of this Act, all such Adjutants shall be deemed Officers of the respective Corps, and all such Serjeant Instructors shall be deemed to belong to the respective Corps, on the Permanent Staff whereof they serve, and shall be deemed respectively Officers and Non-commissioned Officers of the Volunteer Permanent Staff; but nothing in this Act shall be taken to exempt any Officer or Non-commissioned Officer of the Permanent Staff of a Volunteer Corps from being subject to the Orders of the Officers of the Corps, according to their Rank and the Laws and Usages of Her Majesty's Forces.

If any Non-commissioned Officer of the Volunteer Permanent Staff enrols himself as a Volunteer or Substitute in the Militia, or is attested to serve on the Permanent Staff thereof, or enlists in Her Majesty's Army, he may be tried and punished as a Deserter; or, if he confesses his Desertion, One of Her Majesty's Principal Secretaries of State, instead of causing him to be tried and punished as a Deserter, may, if it seems fit, cause him, in any such Case, to be returned to his Service on the Volunteer Permanent Staff, and to be there put under Stoppages until he has repaid the Amount of any Bounty received by him, and the Expenses attending his Enrolment, Attestation, or Enlistment,—or, in case of Enlistment in Her Majesty's Army, may cause him to be held to his Service in Her Majesty's Army, with a Direction, if it seems fit, that his Time of Service therein shall not be reckoned for Pension until the Time when his Engagement on the Volunteer Permanent Staff would have expired.

Any Non-commissioned Officer of the Volunteer Permanent Staff so enrolling himself, being attested, or enlisting, shall, nevertheless, be liable to deliver up in good Order, fair Wear and Tear only excepted, all Arms, Clothing, and Appointments issued to him as a Non-commissioned Officer of the Volunteer Permanent Staff; and in case of his being either returned to his Service on the Volunteer Permanent Staff, or held to his Service in Her Majesty's Army, One of Her Majesty's Principal Secretaries of State may, if it seems fit, cause him to be put under Stoppages until he has repaid the Value of any such Arms, Clothing, or Appointments not so delivered up.

Officers and Volunteers.

Officers commissioned by Lieutenant of County.

4. Every Volunteer Corps shall (except as to the Officers of the Permanent Staff thereof) be officered by Persons appointed with Her

Her Majesty's Approval and commissioned by the Lieutenant of the County to which the Corps belongs.

A Commission issued in any Case under this Act by the Lieutenant of a County shall not be deemed vacated by the Revocation, Expiration, or Discontinuance of the Commission by which such Lieutenant was appointed.

Rank of Officers, and Seats in House of Commons.

5. Officers of the Volunteer Force shall rank with Officers of Her Majesty's Regular and Militia Forces as the youngest of their respective Ranks; and shall rank with Officers of the Yeomanry Force according to the Rank and Date of their respective Commissions in the respective Forces.

The Acceptance of a Commission in the Volunteer Force by a Member of the Commons House of Parliament shall not render his Seat vacant.

Oath in Schedule.

6. Every Officer shall, on receiving his Commission, and every Volunteer shall, on his Enrolment in the Muster Roll of the Corps, or in either Case as soon afterwards as may be, take the Oath set forth in the Schedule to this Act, to be administered by the Lieutenant of the County to which the Corps belongs, or by a Deputy Lieutenant or Justice of the Peace for the County, or by an Officer of the Corps who has taken such Oath.

Power for Volunteer to quit Corps.

7. Any Volunteer may, except when on actual Military Service, quit his Corps on complying with the following Conditions; namely,—

(1.) giving to the Commanding Officer of his Corps Fourteen Days Notice in Writing of his Intention to quit the Corps:

(2.) delivering up in good Order, fair Wear and Tear only excepted, all Arms, Clothing, and Appointments, being Public Property or Property of his Corps, issued to him:

(3.) paying all Money due or becoming due by him, under the Rules of his Corps, either before or at the Time or by reason of his quitting it, for any Subscription or Fine, or on any other Account:

and thereupon he shall be struck out of the Muster Roll of the Corps by the Commanding Officer.

If any Volunteer gives such Notice, and the Commanding Officer refuses to strike him out of the Muster Roll, and the Volunteer considers himself aggrieved thereby, the Volunteer may appeal to Two Deputy Lieutenants, or One Deputy Lieutenant and a Justice of the Peace, for the County to which the Corps belongs, (not being Members of the Corps,) who shall hear and determine the Appeal, and may, for the Purposes thereof, administer Oaths and examine any Person as a Witness; and their Determination shall be binding on all Persons.

Discharge of Volunteer taking Service in Militia or Army.

8. If any Volunteer enrols himself as a Volunteer or Substitute in the Militia, or is attested to serve on the Permanent Staff thereof, or enlists in Her Majesty's Army, he shall be deemed discharged from the Volunteer Force, and the Commanding Officer of his Corps shall strike him out of the Muster Roll thereof.

He shall, nevertheless, be liable to deliver up in good Order, fair Wear and Tear only excepted, all Arms, Clothing, and Appointments, being Public Property or Property of his Corps, issued to him, and to pay all Money due or becoming due by him, under the Rules of his Corps, either before or at the Time or by reason of his Discharge, for any Subscription or Fine, or on any other Account. If such Arms, Clothing, and Appointments are not so delivered up by him, or such Money is not paid by him, then, without Prejudice to any Proceeding or Remedy against him under this Act, he may, under an Order of One of Her Majesty's Principal Secretaries of State, if it seems fit, be put under Stoppages out of any Bounty or Pay receivable by him, or both, until the Value of such Arms, Clothing, or Appointments not so delivered up, or such Money (as the Case may be), is fully paid.

General Command.

Power for Crown to put Volunteers under Command of General or Field Officers.

9. Whenever any Volunteers are on actual Military Service, or are undergoing Inspection, or are voluntarily doing any Military Duty, Her Majesty may put them under the Command of such General or Field Officers of Her Majesty's Army as Her Majesty may appoint or designate; but so, nevertheless, that the Volunteers put under such Command shall be led by their own Officers under such Command.

Inspection.

Annual Inspection.

10. An annual Inspection of every Volunteer Corps shall be held by a General or Field Officer of Her Majesty's Army.

Efficiency.

Requisites of Efficiency under Order in Council.

11. Her Majesty in Council may from Time to Time declare what is requisite to entitle a Volunteer to be deemed an efficient Volunteer, by an Order in Council defining, for that Purpose, the Extent of Attendance at Drill to be given by the Volunteer, and the Course of Instruction to be gone through by him, and the Degree of Proficiency in Drill and Instruction to be attained by him and his Corps, such Proficiency to be judged of by the Inspecting Officer at the annual Inspection of the Corps, or otherwise, as by Order in Council is from Time to Time directed.

Any Order in Council under this Section shall not take effect until the Expiration of *One Month* after it has been laid before both Houses of Parliament.

Disbanding

Disbanding of Corps.

12. Her Majesty may disband or discontinue the Services of any Volunteer Corps, or any Part thereof, whenever it seems to Her Majesty expedient to do so. Power for Crown to disband Corps.

Existing Corps.

13. It shall be lawful for Her Majesty to continue the Services of all Volunteer Corps whose Services have been accepted before the passing of this Act; and the Services of every such Corps shall be deemed to be continued by Her Majesty unless and until Her Majesty thinks fit to exercise the Power of disbanding or discontinuing the Services of the Corps. Power for Crown to continue Services of Corps already formed.

The Provisions of this Act shall apply to every such Corps, as if its Services were accepted under this Act, without Prejudice to anything already done in relation to or by any such Corps.

Administrative Organization.

14. Where Two or more separate Volunteer Corps are formed by the Authority of One of Her Majesty's Principal Secretaries of State into a united Body for Military or Administrative Purposes, hereinafter called an Administrative Regiment, Her Majesty may from Time to Time constitute for such Regiment a Permanent Staff consisting of an Adjutant commissioned by Her Majesty, and of so many Serjeant Instructors as may seem fit, engaged and attested (according to Regulations under this Act) for a Period not exceeding Five Years, or of such an Adjutant, or of such Sergeant Instructors, alone. Formation of Administrative Regiments.

For the Purposes of this Act all such Adjutants shall be deemed Officers of the respective Administrative Regiments, and all such Serjeant Instructors shall be deemed to belong to the respective Administrative Regiments, on the Permanent Staff whereof they serve, but not to be Officers of or to belong to any of the separate Corps formed into those Regiments, and shall be deemed respectively Officers and Non-commissioned Officers of the Volunteer Permanent Staff; but nothing in this Act shall be taken to exempt any Officer or Non-commissioned Officer of the Permanent Staff of such a Regiment from being subject to the Orders of the Officers of the Regiment and of the separate Corps formed into the same, according to their Rank, the Laws and Usages of Her Majesty's Forces, and any Regulations under this Act.

Every such Regiment shall (except as to the Officers of the Permanent Staff thereof, and except as to the Officers of the separate Corps formed into such Regiment,) be officered by Persons appointed with Her Majesty's Approval and commissioned as Officers of such Regiment by the Lieutenant of the County within whose Jurisdiction the Head Quarters of the Regiment are situate.

Notwithstanding the Formation of any such Regiment, the separate Corps formed into the same shall be severally deemed Volunteer Corps for all the Purposes of this Act.

Regulations.

Power for Secretary of State to make Regulations for Government of Volunteer Force.

15. One of Her Majesty's Principal Secretaries of State may from Time to Time make Regulations respecting anything in this Act directed or authorized to be done or provided by Regulation, and also such Regulations as may seem fit (not being inconsistent with any of the Provisions of this Act) respecting—

the Appointment and Promotion of Officers; and

the assembling and Proceedings of Courts of Inquiry to inquire into and report on any Matter connected with the Government or Discipline of a Volunteer Corps or Administrative Regiment;

and for the full Execution of this Act, and the general Government and Discipline of the Volunteer Force, and may alter or repeal any such Regulations; and may call for such Returns as may from Time to Time seem requisite.

PART II.

Actual Military Service.

In case of Invasion, Power for Crown to call out Volunteers for actual Military Service.

16. In case of actual or apprehended Invasion of any Part of the United Kingdom (the Occasion being first communicated to both Houses of Parliament if Parliament is sitting, or declared in Council and notified by Proclamation if Parliament is not sitting,) Her Majesty may direct the Lieutenants of Counties throughout Great Britain, or such of them as Her Majesty may judge necessary, to call out the Volunteer Corps of their respective Counties, or any of them, for actual Military Service.

Every Officer and Volunteer and Non-commissioned Officer of the Permanent Staff belonging to every Corps so called out shall be bound to assemble as the Lieutenant of the County directs, and to march according to Orders, within Great Britain; and, from the Time of his Corps being so called out, shall, for the Purposes of this Act, be deemed on actual Military Service. If any such Officer, Volunteer, or Non-commissioned Officer, not incapacitated by Infirmity for Military Service, refuses or neglects to so assemble or march, he shall be deemed a Deserter.

Allowances to Corps called out.

17. Whenever a Volunteer Corps is called out for actual Military Service, the following Provisions shall take effect:—

(1.) There shall be issued, in manner provided by Regulation, the Sum of Two Guineas for the Use of every Officer and Volunteer and Non-commissioned Officer of the Permanent Staff belonging to and assembling with the Corps (except such of them as do not desire to receive the Benefit thereof); and each such Sum, or so much thereof as the Commanding Officer of the Corps thinks fit, shall be laid

laid out, under the Direction of the Commanding Officer, in providing Necessaries for each such Officer, Volunteer, and Non-commissioned Officer; and within One Month after Receipt thereof, an Account shall be settled with each such Officer, Volunteer, and Non-commissioned Officer, respecting the Application thereof, and any unapplied Residue thereof shall be paid to him:

(2.) Such Officers, Volunteers, and Non-commissioned Officers shall be entitled to receive Pay and to be billeted and quartered as the Officers and Soldiers of Her Majesty's Army, and to have Relief for their Wives and Families (being unable to support themselves) as the Officers, Non-commissioned Officers, and Men of the Militia of England and Scotland respectively, according as the Corps belongs to England or to Scotland:

(3.) On the Release of the Corps from actual Military Service there shall be paid, in manner provided by Regulation, One Guinea to every such Officer, Volunteer, and Non-commissioned Officer present with the Corps at the Time of such Release (except such of them as do not desire to receive the same), in addition to his Pay.

Release of Corps from actual Military Service.

18. After a Volunteer Corps has been called out for actual Military Service, the Corps shall be deemed released from actual Military Service only by an Order in Writing, signed by the Lieutenant of the County to which the Corps belongs, and addressed and delivered to the Commanding Officer of the Corps; which Order the Lieutenant of the County shall issue upon and as soon as may be after a Proclamation of Her Majesty declaring the Occasion to have passed, and not sooner or otherwise.

Before a Volunteer Corps is released from actual Military Service, the Corps shall be returned to the County to which it belongs.

Application of Provisions as to actual Military Service to Volunteers acting in suppression of Riots or Tumults.

19. Whenever a Volunteer Corps, with the Approval of One of Her Majesty's Principal Secretaries of State, voluntarily assembles on being called upon by the Lieutenant of the County to which the Corps belongs to act within that County or the adjacent Counties for the Suppression of Riots or Tumults, every Officer and Volunteer and Non-commissioned Officer of the Permanent Staff belonging to the Corps, and assembling with the Corps, shall, for the Purposes of this Act, be deemed on actual Military Service.

Provision for Officers and Men disabled, and for Widows of Officers killed.

20. An Officer of the Volunteer Force disabled on actual Military Service shall be entitled to Half Pay, according to his Rank; and the Widow of such an Officer killed on actual Military Service shall be entitled to the like Pension for Life as the Widow of an Officer of Her Majesty's Army.

A Volunteer or Non-commissioned Officer of the Volunteer Permanent Staff, disabled on actual Military Service, shall, according to his Rank, be entitled to the like Pension and other Benefits, if any, as a Soldier of Her Majesty's Army.

PART III.

Discipline.

Officers and Volunteers.

Discipline of Volunteers while not on actual Military Service.

21. With respect to the Discipline of Officers (other than Officers of the Volunteer Permanent Staff) and Volunteers, the following Provisions shall take effect and be in force while they are not on actual Military Service:—

(1.) The Commanding Officer of a Volunteer Corps may discharge from the Corps any Volunteer, and strike him out of the Muster Roll, either for Disobedience of Orders by him while doing any Military Duty with his Corps,—or for Neglect of Duty, or Misconduct by him, as a Member of the Corps,—or for other sufficient Cause,—the Existence and Sufficiency of such Causes respectively to be judged of by the Commanding Officer. The Volunteer so discharged shall, nevertheless, be liable to deliver up in good Order, fair Wear and Tear only excepted, all Arms, Clothing, and Appointments, being Public Property or Property of his Corps, issued to him, and to pay all Money due or becoming due by him, under the Rules of his Corps, either before or at the Time or by reason of his Discharge, for any Subscription or Fine, or on any other Account. But nothing herein shall prevent Her Majesty from signifying Her Pleasure in such Manner, and giving such Directions, with respect to any such Case of Discharge, as to Her Majesty may appear just and proper:

(2.) If any such Officer as aforesaid or any Volunteer, while under Arms or on March or Duty with the Corps or Administrative Regiment to which he belongs, or any Portion thereof,—or while engaged in any Military Exercise or Drill with such Corps or Regiment, or any Portion thereof, —or while wearing the Clothing or Accoutrements of such Corps or Regiment, and going to or returning from any Place of Exercise or Assembly of such Corps or Regiment,—disobeys any lawful Order of any Officer under whose Command he then is, or is guilty of Misconduct,— the Officer then in Command of the Corps or Regiment, or any superior Officer under whose Command the Corps or Regiment

Regiment then is, may order the Offender, if an Officer, into Arrest, and if not an Officer, into the Custody of any Volunteer belonging to the Corps or Regiment or of any Non-commissioned Officer of the Volunteer Permanent Staff,— but so that the Offender be not kept in such Arrest or Custody longer than during the Time of the Corps or Regiment, or such Portion thereof as aforesaid, then remaining under Arms, or on March or Duty, or assembled, or continutinuing engaged in any such Military Exercise or Drill, as aforesaid.

Permanent Staff.

Discipline of Permanent Staff while not on actual Military Service.

22. With respect to the Discipline of Officers and Non-commissioned Officers of the Volunteer Permanent Staff, the following Provisions shall take effect and be in force while they are not on actual Military Service:—

(1.) All the Provisions of the Mutiny Act (as far as they relate to Great Britain) shall extend to and apply to and in the Case of the Officers and Non-commissioned Officers of the Volunteer Permanent Staff, and those Officers and Non-commissioned Officers shall be subject to the Mutiny Act, and shall also be entitled to the Benefits thereof, in all respects as the Officers and Soldiers of Her Majesty's Army for the Time being are, and as if the Volunteer Permanent Staff belonged to and formed Part of Her Majesty's Army, subject only to the following Variations and Provisions;—

(i.) When the assembling of a Court-martial for the Trial of an Officer or Non-commissioned Officer of the Volunteer Permanent Staff becomes necessary, a General or District Court-martial (as the Case may require) shall be convened by One of Her Majesty's Principal Secretaries of State, authorized by Commission or Warrant under the Royal Sign Manual to convene Courts-martial under the present Section; and such Secretary of State shall in all Cases and for all Purposes be substituted for the convening Officer under the Mutiny Act, and shall cause every such Court-martial to assemble with all practicable Speed after it is convened; and a Court-martial shall not sit in any Case for the Trial of an Officer or Non-commissioned Officer of the Volunteer Permanent Staff without being so convened;

(ii.) Every such General Court-martial shall consist of not less than Nine Members, and every such District Court-martial shall consist of not less than Five Members; and every such Court-martial shall (except as to the President thereof) be composed of such

Officers of the Volunteer Permanent Staff as the Secretary of State directs; and the President shall be a Field Officer of the Volunteer Force appointed by the Secretary of State;

(iii.) Sentences of District Courts-martial under the present Section shall not be put in execution until confirmed by One of Her Majesty's Principal Secretaries of State, authorized in that Behalf by Warrant under the Royal Sign Manual; and with respect to the Execution of the Sentence of any Court-martial under the present Section, One of Her Majesty's Principal Secretaries of State shall in all Cases have the like Powers as Her Majesty's Principal Secretary of State for the War Department, or the Officer confirming the Sentence of a Court-martial, has in certain Cases or Events, with respect to the Execution of the Sentences of Courts-martial under the Mutiny Act:

(2.) Whenever a Court-martial is ordered to assemble for the Trial of a Non-commissioned Officer of the Volunteer Permanent Staff, One of Her Majesty's Principal Secretaries of State may, if he thinks it expedient, issue his Warrant under his Hand for the Apprehension of such Non-commissioned Officer, and also his Warrant under his Hand for the Commitment of such Non-commissioned Officer for safe Custody to a Public Prison, Gaol, or House of Correction near the Place where the Court-martial is to sit, which Warrants respectively shall be in the Forms set forth in the Schedule this Act, with such Variations as Circumstances require:

(3.) The Keeper of such Public Prison, Gaol, or House of Correction, or his Deputy, shall, on Production of any such Warrant of Commitment, receive the Non-commissioned Officer of the Volunteer Permanent Staff named therein into his Custody, and shall keep him in safe Custody in all respects as if he were committed by Warrant of Justices of the Peace on a Charge or Suspicion of Misdemeanour, or in Scotland of an Offence, but without Bail, until One of Her Majesty's Principal Secretaries of State orders the Discharge of such Non-commissioned Officer, or until he is otherwise delivered from such Custody by due Course of Law, or until he is delivered over to undergo any Punishment imposed by Sentence of a Court-martial; and such Keeper or Deputy shall, in the meantime, from Time to Time as Occasion requires, bring up such Non-commissioned Officer in Custody before a Court-martial sitting for his Trial:

(4.) If any Keeper of a Public Prison, Gaol, or House of Correction, or his Deputy, refuses or neglects to receive or keep any

any Non-commissioned Officer of the Volunteer Permanent Staff in manner herein-before prescribed, such Keeper or Deputy shall for every such Offence be liable to a Penalty not exceeding One hundred Pounds, to be recovered in England by Action in a Superior Court of Law at Westminster, in Scotland by Proceedings in the Court of Session, and in the Isle of Man by Proceedings in any Court of competent Jurisdiction, and to be applied to the Use of Her Majesty.

Actual Military Service.

Discipline of Volunteer Force when on actual Military Service.

23. With respect to the Discipline of Officers of the Volunteer Force and Volunteers and Non-commissioned Officers of the Volunteer Permanent Staff, the following Provision shall take effect and be in force when they are on actual Military Service; namely,—All the Provisions of the Mutiny Act (as far as they relate to Great Britain) shall extend to and apply to and in the Case of all Officers of the Volunteer Force and Volunteers and Non-commissioned Officers of the Volunteer Permanent Staff, and those Officers, Volunteers, and Non-commissioned Officers shall be subject to the Mutiny Act, and shall also be entitled to the Benefits thereof, in all respects as the Officers and Soldiers of Her Majesty's Army for the Time being are, and as if the Volunteer Force, including the Volunteer Permanent Staff, belonged to and formed Part of Her Majesty's Army, subject only to this Variation,—that a Court-martial for the Trial of an Officer of the Volunteer Force or Volunteer or Non-commissioned Officer of the Volunteer Permanent Staff shall be composed of Officers of the Volunteer Force only.

PART IV.

Rules and Property of Corps.

Power for Corps to make Rules, subject to Approval of Crown.

24. The Officers and Volunteers belonging to a Volunteer Corps may from Time to Time make Rules for the Management of the Property, Finances, and Civil Affairs of the Corps, and may alter or repeal any such Rules; but any such Rules shall not have Effect unless and until the Commanding Officer of the Corps thinks fit to transmit the same to the Lieutenant of the County to which the Corps belongs, and such Lieutenant thinks fit to submit the same for Her Majesty's Approval, and such Approval, signified through One of Her Majesty's Principal Secretaries of State, is notified by such Lieutenant to the Commanding Officer of the Corps, to be by him forthwith communicated to the Corps; whereupon the Rules so approved shall be binding on all Persons.

A Copy of the Rules in Print or Writing, or partly in Print and partly in Writing, certified under the Hand of the Commanding Officer as a true Copy of the Rules whereof Her Majesty's Approval has been notified as aforesaid, shall be conclusive Evidence of the Rules of the Corps.

Vesting of Property of Corps in Commanding Officer ex officio.

25. All Money subscribed by or to or for the Use of a Volunteer Corps or Administrative Regiment, and all Effects belonging to any such Corps or Regiment, or lawfully used by it, not being the Property of any individual Officer or Volunteer or Non-commissioned Officer of the Volunteer Permanent Staff belonging to the Corps or Regiment, and the exclusive Right to sue for and recover current Subscriptions, Arrears of Subscriptions, and other Money, due to the Corps or Regiment, and all Lands acquired by the Corps or Regiment, shall vest in the Commanding Officer of the Corps or Regiment for the Time being, and his Successors in Office, with Power for him and his Successors to sue, to make Contracts and Conveyances, and to do all other lawful Things relating thereto; and any Civil or Criminal Proceeding taken by virtue of the present Section by the Commanding Officer of a Corps or Regiment shall not be discontinued or abated by his Death, Resignation, or Removal from Office, but may be carried on by and in the Name of his Successor in Office.

Storehouses for Arms.

26. The Commanding Officer of a Volunteer Corps or Administrative Regiment, receiving any Arms, Ammunition, or other Stores supplied at the Public Expense or by Subscription, shall, subject to the Approval of the Lieutenant of the County to which the Corps belongs, or in which the Head Quarters of the Administrative Regiment are situate (as the Case may be), appoint a proper Storehouse for the depositing and safe keeping of such Arms, Ammunition, or Stores. Every such Storehouse shall be free from all County, Parochial, or other local Rates and Assessments. All Exemptions contained in The Gunpowder Act, 1860, or any Act amending the same, relative to Storehouses, Magazines, or Places belonging to or held for the Service of the Crown, shall extend to any Storehouse appointed under the present Section with the Approval of the Lieutenant of a County, if also approved of by One of Her Majesty's Principal Secretaries of State, as a fit Place for the storing of Ammunition, but not otherwise.

23 & 24 Vict. c. 139.

Recovery of Subscriptions or Fines.

27. If any Person belonging or having belonged to a Volunteer Corps or Administrative Regiment neglects or refuses to pay on Demand any Money subscribed or undertaken to be paid by him towards any of the Funds or Expenses of such Corps or Regiment, at

or due under the Rules of such Corps, and actually payable by him at the Time of Demand, or to pay any Fine incurred by him under the Rules of such Corps,—such Money shall (without Prejudice to any other Remedy) be recoverable from him, with Costs, at any Time within Twelve Months after the same becomes due and payable, as a Penalty under this Act is recoverable, and when recovered shall be applied as Part of the general Fund of the Corps or Regiment.

Wrongful Sale, Non-delivery, &c. of Public or Corps Property.

28. If any Person designedly makes away with, sells, pawns, wrongfully destroys, wrongfully damages, or negligently loses, any Thing issued to him as a Volunteer,—or wrongfully refuses or wrongfully neglects to deliver up, on Demand, any Thing issued to him as a Volunteer,—the Value thereof shall be recoverable from him, with Costs, as a Penalty under this Act is recoverable; and he shall also for every such Offence of designedly making away with, selling, pawning, or wrongfully destroying as aforesaid, be liable, on the Prosecution of the Commanding Officer of the Corps or Administrative Regiment issuing the Thing made away with, sold, pawned, or destroyed, to a Penalty not exceeding Five Pounds.

Wrongful buying of Arms, &c. from Volunteers.

29. If any Person knowingly buys or takes in exchange from any Volunteer or any Person acting on his Behalf,—or solicits or entices any Volunteer to sell,—or knowingly assists or acts for any Volunteer in selling,—or has in his Possession or Keeping, without satisfactorily accounting for,—any Arms, Clothing, or Appointments being Public Property or Property of any Volunteer Corps or Administrative Regiment, or any Public Stores or Ammunition issued for the Use of any such Corps or Regiment—he shall, on the First Commission by him of any such Offence, be liable to a Penalty not exceeding Twenty Pounds, and shall, on a Second and every other subsequent Commission by him of any such Offence, and on being convicted thereof in the like Course of Proceeding as that in which any such Penalty is recoverable, be liable to a Penalty not exceeding Twenty Pounds or less than Five Pounds, with or without Imprisonment for any Term not exceeding Six Months, with or without Hard Labour.

The Justices before whom any Person is convicted of any Offence under the present Section shall transmit the Conviction to the next Court of General or Quarter Sessions held for the County or Place where the Conviction is had, there to be kept by the proper Officer among the Records of the Court; and on the Prosecution of any Person for any subsequent Offence under the present Section, a Copy of such Conviction, certified by the proper Officer of the Court, or proved to be a true Copy, shall be sufficient Evidence to prove a Conviction for the former Offence, and such Conviction shall be

presumed not to have been quashed on Appeal until the contrary is shown.

Injury to Butts or Targets.

30. If any Person wilfully commits any Damage to any Butt or Target belonging to or lawfully used by any Volunteer Corps or Administrative Regiment, or without the Leave of the Commanding Officer of the Corps or Regiment, searches for Bullets in or otherwise disturbs the Soil forming such Butt or Target, he shall for every such Offence be liable, on the Prosecution of the Commanding Officer, to a Penalty not exceeding Five Pounds.

PART V.

Acquisition of Land for Ranges.

Power for Corps to purchase Land.

31. Subject to the Provisions of this Part of this Act, any Volunteer Corps may, with the Assent of One of Her Majesty's Principal Secretaries of State, purchase, take on Lease, or otherwise acquire any Land or Easement in Land for Rifle or Artillery Practice, and for the Erection of Butts, Targets, Batteries, and other Accommodations for the Use of the Corps when practising with Rifles or Artillery.

Before giving his Assent, the Secretary of State shall send an Inspector to the Land for the Purpose of ascertaining its Capabilities for being converted into a Rifle or Artillery Practice Ground with due Regard to the Safety and Convenience of the Public, and shall give or withhold his Assent accordingly.

Power for Landowner to give Land.

32. Any Person seised or entitled in Fee Tail or for Life of or to any Manor or Lands of Freehold, Copyhold, or Customary Tenure, and having the beneficial Interest therein, or in Scotland being the Proprietor under Entail, and in possession for the Time being, may by way of Gift grant, convey, or enfranchise in Fee Simple or for a Term of Years any Quantity not exceeding Four Acres of such Land, or any limited Right over Land to any Extent not exceeding Twenty Acres, to any Volunteer Corps, to be used by the Corps for the Purposes of this Part of this Act; but so that any such Grant, Conveyance, or Enfranchisement made by any Person seised or entitled for Life only of or to any such Manor or Lands shall not be valid beyond his own Life, unless the Person next entitled in Remainder, in Fee Simple, or Fee Tail (if legally competent) is a Party to and joins in such Grant, Conveyance, or Enfranchisement:

Provided, that in the event of any Land granted, conveyed, or enfranchised as aforesaid, ceasing to be used for the Purposes of this Part of this Act, the same shall thereupon immediately revert to and become

become a Portion of the Estate of which it formed Part before the Grant, Conveyance, or Enfranchisement was made.

Power for Commissioner of Works to grant Right of shooting in Royal Parks, &c.

33. The Chief Commissioner of Her Majesty's Works and Public Buildings may grant to any Volunteer Corps the Right to use for the Purpose of Rifle Practice or Drill any Portion of such Royal Parks, Gardens, and Possessions as are under his Management, upon such Terms, for such Time, not exceeding Twenty-one Years, and subject to such other Conditions, as he thinks fit; but any such Grant shall be at all Times revocable by Her Majesty.

Power for certain Authorities to grant Licences to use Lands.

34. A Licence to use, for the Purposes of this Part of this Act, any Portion not exceeding Four Acres of the Lands herein-after mentioned, may be granted to any Volunteer Corps as follows:

(1.) In the Case of Lands belonging to the Crown—

By the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, on behalf of Her Majesty, with the Consent of the Commissioners of Her Majesty's Treasury:

(2.) In the Case of Lands forming Part of the Possessions of the Duchy of Lancaster—

By the Chancellor and Council of the Duchy by Deed under the Hand and Seal of the Chancellor, attested by the Clerk of the Council:

(3.) In the Case of Lands forming Part of the Possessions of the Duchy of Cornwall—

By the Duke of Cornwall or other the Persons for the Time being having Power to dispose of Lands belonging to the Duchy:

Provided—

First. That no such Licence shall be granted for a longer Term than Twenty-one Years; but any Licence, when granted, may be renewed by the same Authority that would have Power to grant the same:

Secondly. That in the event of any Land to which any such Licence relates ceasing to be used for the Purposes of this Part of this Act, that Licence shall thereupon cease absolutely.

Power for Corporations, Justices, Trustees, &c. to grant Licence to use Land.

35. Any Corporation, Ecclesiastical or Lay, Sole or Aggregate, any Officer, Justices of the Peace, Trustees, or Commissioners holding Land for Public, Ecclesiastical, or Parochial Purposes, may grant and from Time to Time renew any Licence for the Use, during any Term not exceeding Twenty-one Years, by any Volunteer Corps, for the Purposes of this Part of this Act, of any Land not exceeding Four

Acres, vested in such Corporation, Officers, Justices, Trustees, or Commissioners, subject to the following Provisions:

(1.) That an Ecclesiastical Corporation Sole below the Dignity of a Bishop shall not make such a Grant without the Consent in Writing of the Bishop to whose Jurisdiction he is subject, and of the Patron of the Preferment to which the Land belongs, or the Guardians or Trustees of such Patron:

(2.) That such a Licence shall not be granted in respect of Parochial Property without the Consent of the Majority of the Ratepayers and Owners of Property in the Parish to which the same belongs, assembled at a Meeting convened according to the Mode pointed out by the Act of the Session of the Fifth and Sixth Years of King William the Fourth, (Chapter Sixty-nine,) "to facilitate the Conveyance of "Workhouses and other Property of Parishes, and of Incor- "porations or Unions of Parishes, in England and Wales," and of the Poor Law Commissioners, testified by their Seal being affixed to the Deed of Grant, and of the Guardians of the Poor of the Union within which the Parish is comprised, or of the Guardians of the Poor of the Parish where the Administration of the Relief of the Poor therein is subject to a Board of Guardians, testified by such Guardians being the Parties to make the Grant:

5 & 6 W. 4. c. 69.

(3.) That where any Officers, Trustees, or Commissioners other than Parochial Trustees make any such Grant, it shall be sufficient if a Majority or Quorum authorized to act of such Officers, Trustees, or Commissioners assembled at a Meeting duly convened, assent to such Grant and execute the Deed of Grant, although they do not constitute a Majority of the actual Body of such Officers, Trustees, or Commissioners:

(4.) That the Justices of the Peace may give their Consent to the making of any such Grant in respect of Land belonging to any County, Riding, or Division by Vote at their General Quarter Sessions, and may direct the same to be made in the Manner directed to be pursued on the Sale of the Sites of Gaols by the Act of the Seventh Year of King George the Fourth, (Chapter Eighteen), "to authorize the Dis- "posal of unnecessary Prisons in England:"

7 G. 4. c. 18.

(5.) That, in the event of any Land to which any such Licence relates ceasing to be used or the Purposes of this Part of this Act, that Licence shall thereupon cease absolutely.

36. The

36. The Lands Clauses Consolidation Act, 1845, and The Lands Clauses Consolidation (Scotland) Act, 1845, and any Act amending the said Acts, shall be incorporated with this Part of this Act. 8 & 9 Vict. cc. 18. and 19. incorporated.

In the Construction of this Part of this Act with the said incorporated Acts, this Part of this Act shall be deemed the Special Act; and the Volunteer Corps desirous of purchasing Land shall be deemed the Promoters of the Undertaking; and under the Term Land a permanent Right of Shooting and Drilling or any other Interest or Easement in Land shall be included, and may be alone conveyed while the Fee Simple or other Interest in such Land is reserved; but no Land shall be purchased otherwise than by Agreement with the Owner thereof until the Assent of One of Her Majesty's Principal Secretaries of State has been obtained in manner herein-before mentioned, and in addition thereto the following Conditions have been complied with: Construction of Acts.

(1.) A Certificate has been given by the Lieutenant of the County in manner herein-after mentioned, that it is fit and proper that the Land should be taken compulsorily for the Purposes of this Part of this Act:

(2.) An Act of Parliament has been passed authorizing the taking of such Land compulsorily:

And notwithstanding any compliance with the foregoing Conditions it shall not be lawful, under this Part of this Act, to take, under any Circumstances, otherwise than by Agreement with the Owner, any Part of a Park, Planted Walk, Avenue, Ground ornamentally planted, Garden, or Orchard, or of a Plantation attached to a House.

Provided, that in the event of any Land taken compulsorily under this Part of this Act ceasing to be used for the Purposes of this Part of this Act, the Volunteer Corps to which such Land belongs shall, within Six Months after the Date of such Certificate of Non-user as herein-after mentioned, absolutely sell and dispose of such Land, subject and according to the Provisions contained in the said incorporated Acts with respect to Lands acquired by the Promoters of an Undertaking, but not required for the Purposes thereof, and with the like Consequence in case of Default as is therein provided, and with such Right of Pre-emption in every Case whatever in favour of the Owner of the Lands from which such Land was originally severed, and of Owners of any adjoining Lands, as is given in certain Cases by the last-mentioned Provisions.

Mode in which Certificate of Lieutenant and Act of Parliament obtained.

37. In order to obtain the Certificate of the Lieutenant of the County, and an Act of Parliament for the taking of Land compulsorily, the following Proceedings shall be taken:

(1.) The Volunteer Corps desirous of taking the Land shall publish once at least in each of Three consecutive Weeks in some One and the same local Newspaper circulating in the District, or some Part of the District, within which the Land is situate, an Advertisement describing the Land proposed to be taken, and stating the Quantity of Land which they require, and the Purpose for which they require it:

(2.) They shall serve a Notice on every Owner or reputed Owner, Lessee or reputed Lessee, and Occupier, of such Land, defining in each Case the particular Land intended to be taken, and requiring an Answer stating whether the Person so served assents, dissents, or is neuter in respect of the taking of such Land; such Notice to be served,

By Delivery of the same personally to the Person required to be served, or if he is absent abroad to his Agent; or

By leaving the same at his usual or last known Place of Abode; or

By forwarding the same by Post in a prepaid registered Letter addressed to his usual or last known Place of Abode:

(3.) Upon the foregoing Provisions respecting Advertisements and Notices being complied with, the Lieutenant of the County shall inspect the Land, and after hearing all Parties desirous of being heard before him, shall grant or withhold his Certificate, as he thinks fit:

(4.) If the Lieutenant of the County withholds his Certificate, no further Steps shall be taken in the Matter; but if he grants the same, it shall be lawful for the Corps to present a Petition to One of Her Majesty's Principal Secretaries of State:

(5.) The Petition shall state the Land intended to be taken, and the Purposes for which it is required, and shall have annexed a Schedule containing the Names of the Owners, Lessees, and Occupiers of the Land who have assented, dissented, or are neuter in respect of the taking thereof, or who have returned no Answer to the Notice; and shall pray that the Corps may, with reference to such Land, be empowered to put in force the Powers of the said incorporated Acts, or any of them, with respect to the Purchase and taking of Land otherwise than by Agreement, and such Prayer shall be supported by such Evidence as the Secretary of State requires:

(6.) On Receipt of the Petition, and of the Certificate of the Lieutenant of the County, and on Proof of Compliance with

with the foregoing Provisions respecting Advertisements and Notices, the Secretary of State shall take the Petition into consideration, and may either dismiss or assent to the same, with Power to direct an Inquiry in the District in which the Land is situate, or otherwise to inquire as to the Propriety of his assenting to the Prayer of the Petition:

(7.) If the Secretary of State assents to the Prayer of the Petition, he shall make a Provisional Order empowering the Corps to put in force, with reference to the Land mentioned in the Order, the Powers of the said incorporated Acts or any of them, with respect to the Purchase and taking of Land otherwise than by Agreement, and either absolutely or subject to such Conditions and Modifications as he thinks fit:

(8.) The Secretary of State shall, as soon as conveniently may be, take such Steps as may be proper for obtaining an Act of Parliament to confirm such Provisional Order, but until so confirmed it shall not be of any Validity.

Provided, that if in any Case it appears to the Lieutenant of a County to be expedient, for Convenience of local Investigation or other Reason, that the Matter should be referred to One of the Deputy Lieutenants for the County, the Lieutenant of the County may, whether he has entered on the Investigation or not, by Writing under his Hand, refer the Matter to a Deputy Lieutenant, who shall conduct such Inspection and Hearing as aforesaid; and the granting or withholding of the Certificate of such Deputy Lieutenant shall have the same Effect for the Purposes of this Part of this Act as the granting or withholding (as the Case may be) of the Certificate of the Lieutenant of the County.

Power for Justices to stop Footpaths.

38. Where a Footpath crosses any Land purchased or acquired, or in respect of which any Licence is granted, for the Purposes of this Part of this Act, such Footpath may, with the Consent of the Vestry of the Parish in which the same is situate, and upon the Certificate of Two Justices that the Footpath to be substituted is convenient for the Public, be stopped up or diverted. All Proceedings to obtain such Certificate, and to stop up or divert such Footpath, shall be taken in the Manner in which Proceedings are directed to be taken by the Act of the Session of the Fifth and Sixth Years of King William the Fourth (Chapter Fifty), "to consolidate and "amend the Laws relating to Highways in that Part of Great "Britain called England," in Cases where a Person other than the Inhabitants in Vestry is desirous of stopping up, diverting, or turning a Highway, or as near thereto as Circumstances admit; with this Exception, that the Certificate of the Justices shall be conclusive in

5 & 6 W. 4. c. 60.

Cases where it states the Fact of their having viewed the Footpath to be stopped up or diverted, and that the proposed new Footpath is convenient for the Public.

Power for Secretary of State to make Bye-laws.

39. One of Her Majesty's Principal Secretaries of State, with a view to the Safety and Convenience of the Public, may make Bye-laws for the Regulation of Shooting on Grounds purchased, acquired, or used by any Volunteer Corps under this Part of this Act, and for the Prevention of Intrusion thereon during the Times of Shooting. Any such Byelaws may impose a reasonable pecuniary Penalty, not exceeding Five Pounds, for any Breach of a Byelaw, so that the Byelaw be so framed as to admit of Part only of the maximum Penalty being ordered to be paid; such Penalties to be recoverable and applicable as Penalties imposed by this Act are recoverable and applicable.

Proof of Cesser of Land being used for Purposes of this Part of Act.

40. Any Land purchased or acquired or in respect of which any Licence is granted under this Part of this Act, shall be deemed to have ceased to be used for the Purposes of this Part of this Act where there has not been any such Use by the Corps by which the Land was purchased or acquired, or to or for which the Licence was granted, for a Period of One Year, and a Certificate of the Fact of such Non-user is given by One of Her Majesty's Principal Secretaries of State; and such Certificate shall be conclusive Evidence of such Fact as against all Persons and in all Courts of Justice.

PART VI.

Exemptions.

Service in Militia.

41. Every Officer of the Volunteer Force, and every efficient Volunteer, and every Non-commissioned Officer of the Volunteer Permanent Staff, shall be exempt from Liability to serve personally or to provide a Substitute in the Militia of England or of Scotland.

In the Case of a Volunteer, such Exemption shall cease on his ceasing to be enrolled in the Corps in connection with which he becomes entitled to be deemed efficient, unless he quits such Corps on account of his changing his Place of Residence, in which Case the Exemption shall revive if within Ten Days after quitting such Corps he is enrolled in another Volunteer Corps.

The Certificate of the Commanding Officer of a Volunteer Corps (in the Form set forth in the Schedule to this Act, with such Variations as Circumstances may require) certifying that the Person named therein is a Volunteer enrolled in that Corps, and is exempt as aforesaid, shall be conclusive Evidence thereof.

42. Horse

Horse Duty.

42. Horse Duty shall not be payable for any Horse used Nine Days or upwards within the Period of Twelve Months, ending on the Fifth Day of April preceding the Year of Assessment, as follows; namely,—

(1.) used on Duty by any Officer of the Volunteer Force or Volunteer or Non-commissioned Officer of the Volunteer Permanent Staff, required to use a Horse on Duty:

(2.) used for conveying any Gun, or any Waggon or other Military Carriage, in the Service of the Volunteer Force:

such Horse, in every such Case, being either the Property of such Officer, Volunteer, or Non-commissioned Officer or of a Volunteer Corps or Administrative Regiment, or gratuitously furnished for such Use.

A Certificate, signed by the Commanding Officer of a Volunteer Corps or Administrative Regiment, certifying that the Horse therein specified has been used as aforesaid for the said Number of Days, shall be Evidence thereof.

Penalty for false Certificate.

43. If any Commanding Officer of a Volunteer Corps or Administrative Regiment knowingly gives any false Certificate under this Act, he shall for every such Offence be liable to a Penalty not exceeding Two hundred Pounds, to be recovered in England by Action in a Superior Court of Law at Westminster, in Scotland by Proceedings in the Court of Session, and in the Isle of Man by Proceedings in any Court of competent Jurisdiction, and to be applied to the Use of Her Majesty.

Friendly or Benefit Society.

44. Notwithstanding anything in the Rules of any Friendly or Benefit Society, any Person shall not lose any Interest in the Society by reason of his Enrolment or Service in a Volunteer Corps, or his Engagement or Service on the Volunteer Permanent Staff; and any Dispute arising between such Society and Person by reason of such Enrolment, Engagement, or Service shall be deemed a Dispute directed by the Rules of the Society to be decided by Justices of the Peace, according to the Acts for the Time being in force relative to Friendly or Benefit Societies.

Tolls.

45. Any Duty or Toll leviable, under any Act of Parliament passed or to be passed, at any Pier, Wharf, Quay, Landing Place, or Bridge, or at any Turnpike Gate or Bar, or at any other Gate or Bar on a public Road, shall not be demanded or taken for—

(1.) Any Officer of the Volunteer Force, or any Volunteer, or any Non-commissioned Officer of the Volunteer Permanent Staff, being on March or Duty, or going to or returning from the Place appointed for, and on the Day for, Exercise, Inspection, Review, or other public Duty, and being in Uniform:

(2.) Any Horse ridden or used by any Officer, Volunteer, or Non-commissioned Officer as aforesaid, being on March or Duty, or going or returning as aforesaid, and being in Uniform:

(3.) Any Cart, Waggon, or Carriage, public or private, employed only in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying, any Officer, Volunteer, or Non-commissioned Officer as aforesaid, being on March or Duty, or going or returning as aforesaid, and being in Uniform, with or without any Conductor or Driver of such Cart, Waggon, or Carriage, or domestic Servant of such Officer or Volunteer:

(4.) Any Cart, Waggon, or Carriage, public or private, employed only in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying, any Arms or Baggage of any Officer, Volunteer, or Non-commissioned Officer as aforesaid, being on March or Duty, or going to or returning from the Place appointed for Exercise, Inspection, Review, or other public Duty, or any Military Stores belonging to or for the Use of, or any Gun belonging to or used by, the Volunteer Force:

(5.) Any Horse or other Beast drawing any such Cart, Waggon, or Carriage as aforesaid.

If any Person demands or takes any Duty or Toll in contravention of the present Section,—or if any Person makes any false Representation respecting himself or any other Person, or any Animal or Thing, with Intent to obtain for himself or otherwise, or fraudulently obtains for himself or otherwise, any Exemption under the present Section,—he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

PART VII.

Miscellaneous Provisions.

Allowances in Schedule to Clerks of General Meetings of Lieutenancy.

46. One of Her Majesty's Principal Secretaries of State shall issue to the several Clerks of General Meetings of Lieutenancy in Great Britain the Sums specified in the Schedule to this Act, for their Pains and Trouble in and about the Execution of the Provisions of this Act. The said Clerks shall send to the Secretary of State such Accounts, Returns, and Statements as he from Time to Time requires.

Pecuniary Penalties to be recovered summarily.

47. Any pecuniary Penalty under this Act, the Mode of Recovery of which is not otherwise expressly provided for by this Act,—and any Money by this Act made recoverable as a Penalty under this Act is recoverable,—may be recovered as follows:—

In

In England, in a summary Way before Two or more Justices of the Peace having Jurisdiction where the Offence is committed or where the Offender happens to be, in manner directed by the Act of the Session of the Eleventh and Twelfth Years of Her Majesty (Chapter Forty-three), "to facilitate the Performance of the Duties of Justices of the Peace out of Sessions, within England and Wales, with respect to Summary Convictions and Orders;" or in case of Proceedings in the City of London, or in the Metropolitan Police District, in manner directed by the respective Enactments for the Time being in force relative to summary Proceedings there: 11 & 12 Vict. c. 43.

In Scotland, in manner directed by The Railways Clauses Consolidation (Scotland) Act, 1845, with respect to Penalties imposed by that Act, the Recovery of which is not otherwise provided for: 8 & 9 Vict. c. 33. ss. 137. and foll.

In the Isle of Man, by Proceedings in any Court of competent Jurisdiction, and in the manner in which Penalties of like Amount are recoverable by the Laws of the Isle of Man, or as near thereto as Circumstances admit.

In England, where the Sum adjudged to be paid on a summary Conviction or Adjudication, inclusive of any Costs, exceeds Five Pounds, or the Imprisonment awarded exceeds One Month, and the Person who is convicted, or against whom the Adjudication is made, thinks himself aggrieved by the Conviction or Adjudication, the following Provisions shall take effect:—

(1.) Such Person may appeal to the next Court of General or Quarter Sessions held not less than Twelve Days after the Day of such Conviction or Adjudication for the County or Place where the Conviction or Adjudication is had:

(2.) The Appellant shall, within Three Days after the Day of the Conviction, and Seven clear Days at least before the Sessions to which the Appeal is to be made, give to the Complainant a Notice in Writing of the Appeal and of the Ground thereof:

(3.) The Appellant may enter into a Recognizance with Two sufficient Sureties before a Justice of the Peace, conditioned to appear personally at the Sessions and try the Appeal, and abide the Judgment of the Court thereon, and pay any Costs awarded by the Court; or where the Appeal is against a Conviction imposing only a pecuniary Penalty, or against an Adjudication for the Payment of Money, the Appellant may deposit with the Clerk of the convicting Justices such Sum of Money as those Justices deem sufficient to cover the Amount of the Penalty, or Money adjudged

adjudged to be paid, together with the Costs of the Conviction or Adjudication, and of the Appeal:

(4.) On such Notice being given, and such Recognizance being entered into, or such Deposit being made, the Appellant shall be liberated if in custody:

(5.) The Court of General or Quarter Sessions shall hear and determine the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court seems fit, and in case of Affirmance of the Conviction or Dismissal of the Appeal, shall adjudge the Appellant to be punished according to the Conviction, or to pay Money according to the Adjudication, and to pay such Costs as are awarded, and shall, if necessary, issue Process for enforcing such Judgment:

(6.) Where any such Deposit as aforesaid is made, and the Conviction or Adjudication is affirmed, or the Appeal is dismissed, the Court may order the Amount of the Penalty or other Money adjudged to be paid, together with the Costs of the Conviction or Adjudication and of the Appeal, to be paid out of the Deposit, and the Residue thereof, if any, to be returned to the Appellant, and in any other Case shall order the Deposit to be returned to the Appellant:

(7.) Where on Appeal a Conviction is quashed, the proper Officer shall forthwith indorse on the Conviction a Memorandum that it has been so quashed; and whenever any Copy or Certificate of such Conviction is made, a Copy of the Memorandum shall be added thereto, which shall be sufficient Evidence of the Conviction having been quashed in all Cases where a Copy or Certificate would be sufficient Evidence of the Conviction.

But nothing in the present Section respecting Appeals shall affect any Enactments relative to Appeals in Cases of Summary Convictions or Adjudications in the City of London or the Metropolitan Police District.

In Scotland, and the Isle of Man, in like Cases as in England, an Appeal shall lie, in manner in that behalf provided by the Law of Scotland and of the Isle of Man respectively.

A summary Conviction or Adjudication under this Act in England, or an Adjudication made on appeal therefrom, shall not be quashed for Want of Form or be removed by Certiorari; and a Warrant of Commitment on any such Conviction shall not be held void by reason of any Defect therein, if it is therein alleged that the Person therein named has been convicted, and there is a good Conviction to sustain the same.

Any

Any pecuniary Penalty recovered summarily under this Act on the Prosecution of the Commanding Officer of a Volunteer Corps or Administrative Regiment shall (notwithstanding anything in any Act relating to Municipal Corporations or to the Metropolitan Police or in any other Act contained) be paid to the Commanding Officer and be applied as Part of the general Fund of the Corps or Regiment. Application of certain Penalties.

48. In this Act— Interpretation.

The Term "Lieutenant" of a County includes Vice-Lieutenant, and, as to the City of London, the Commissioners of Lieutenancy for the same:

The Term "Person" includes (where the Case requires) a Body of Persons, corporate or unincorporate:

The Term "Mutiny Act" means the Act for punishing Mutiny and Desertion and for the better Payment of the Army and their Quarters, for the Time being in force, and includes the Articles of War made under the Authority of that Act, for the Time being in force:

The Term "Appointments" includes Accoutrements and Equipments of every Kind other than Clothing.

If at any Time Her Majesty thinks fit to appoint on the Permanent Staff of a Volunteer Corps or Administrative Regiment a Quartermaster and a Paymaster, or either of such Officers, commissioned by Her Majesty,—or if at any Time any Non-commissioned Officer or Man, engaged and attested (according to Regulations under this Act) for a Period not exceeding Five Years, is appointed on the Permanent Staff of a Volunteer Corps or Administrative Regiment to serve in any other Capacity than that of Serjeant Instructor,—then and in such Cases all the Provisions of this Act relating to Adjutants and Serjeant Instructors and to Officers and Non-commissioned Officers of the Volunteer Permanent Staff, shall apply to such Quartermasters and Paymasters, and to such other Non-commissioned Officers and such Men, respectively. Application of Provisions respecting Adjutants, Serjeant Instructors, and Administrative Regiments.

All the Provisions of this Act relating to an Administrative Regiment shall apply to any united Body formed of Two or more separate Volunteer Corps for Military or Administrative Purposes by the Authority of One of Her Majesty's Principal Secretaries of State, whether the Corps so united are formed into a Regiment or a Brigade or a Battalion, or any other Body.

49. For the Purposes of this Act, the Isle of Wight shall be deemed to be a County of itself, and the Governor thereof, or the Person for the Time being performing the Duties of Governor, shall be deemed to be the Lieutenant of such County;—the Cinque Ports, Two Ancient Application of Act to Isle of Wight, Cinque Ports, Isle of Man, and other Places.

Ancient Towns, and their Members, shall be deemed to be a County of themselves, and the Warden thereof, or in his Absence his Lieutenant or Lieutenants, shall be deemed to be the Lieutenant of such County;—every Riding, Stewartry, City, or Place for which Her Majesty constitutes a Lieutenant, shall be deemed to be a County of itself, and the Lieutenant appointed for the same shall be deemed to be the Lieutenant of such County;—and the Isle of Man shall be deemed to be a County of England, and the Lieutenant Governor thereof, or the Person for the Time being performing the Duties of Lieutenant Governor, shall be deemed to be the Lieutenant of such County.

Repeal of Enactments in Schedule.

50. The Enactments described in the Schedule to this Act shall be repealed to the Extent therein specified; but this Repeal shall not affect the past Operation of any such Enactment, or anything already done, or any Right, Title, Obligation, or Liability already accrued thereunder, or any Remedy or Proceeding respecting the same.

Saving for Honourable Artillery Company.

51. Nothing in this Act shall apply to the Honourable Artillery Company of London.

Extent of Act.

52. This Act shall not extend to Ireland.

SCHE-

SCHEDULE.

(i.) *Oath of Officer and Volunteer.*

I *A. B.*, do sincerely promise and swear, that I will be faithful and bear true Allegiance to Her Majesty Queen Victoria, and that I will faithfully serve Her Majesty in Great Britain, for the Defence of the same against all Her Enemies and Opposers whatsoever, according to the Conditions of my Service.

[*The Name of the Successor of Her Majesty Queen Victoria for the Time being, with proper Words of Reference thereto, to be substituted as Occasion requires.*]

(ii.) *Warrant of Secretary of State for Apprehension of Non-commissioned Officer of Volunteer Permanent Staff ordered to be tried by Court-martial.*

County of } VICTORIA, &c.
To Our Sheriff of Our County of , to the High Constable of the Hundred of in the same County, to the Constables of the Town of in the same County, to Our Bailiffs and Ministers, and to the Constables and Peace Officers, in the same County, as well within Liberties as without, greeting.

Whereas the Right Honourable *A.B.*, One of Our Principal Secretaries of State, has, in pursuance of The Volunteer Act, 1863, ordered a Court-martial to assemble for the Trial of *L.M.*, being a Non-commissioned Officer of the Volunteer Permanent Staff: We therefore command you, jointly and severally, forthwith to apprehend the said *L.M.* and bring him in Custody to Our [Gaol] at in Our County of , and there deliver him into the Custody of the Keeper of Our said [Gaol] or of his Deputy.

Witness, the Right Honourable *A.B.*, One of Our Principal Secretaries of State, at , the Day of 18 .

(iii.) *Warrant of Secretary of State for Commitment in same Case.*

County of } VICTORIA, &c.
To the Keeper of Our [Gaol] at in Our County of , or to his Deputy, greeting.

Whereas the Right Honourable *A.B.*, One of Our Principal Secretaries of State, has, in pursuance of The Volunteer Act, 1863, ordered a Court-martial

to assemble for the Trial of *L.M.*, being a Non-commissioned Officer of the Volunteer Permanent Staff: We therefore command you and each of you, that you or One of you do receive him the said *L.M.* into your Custody in Our [Gaol], and him there safely keep in such Manner as if he had been committed to your Custody there by Warrant of some of the Justices assigned to keep Our Peace in Our said County on a Charge or Suspicion of Misdemeanour [*or in Scotland* of an Offence], but without Bail, until he be delivered from your Custody there in pursuance of the said Act.

Witness, the Right Honourable *A.B.*, One of Our Principal Secretaries of State, at , the Day of 18 .

A.B.

(iv.) *Certificate for Exemption from Militia.*

I *A.B.*, Commanding Officer of the Volunteer Corps, hereby certify that *C.D.* is a Volunteer enrolled in that Corps, and is by virtue of The Volunteer Act, 1863, exempt from Liability to serve personally or to provide a Substitute in the Militia of [*England*].

Given under my Hand at this Day of One thousand eight hundred and [*sixty-four*].

A.B.,
[*Lieutenant-Colonel Commanding.*]

(v.) *Allowances to Clerks of General Meetings of Lieutenancy.*

	£	s.	d.
1. For attending a General Meeting for the Transaction of Business connected with the Laws relating to Volunteers, at which the Statutory Quorum of Lieutenancy is present - each	5	5	0
For attending a Meeting, which is necessarily adjourned by the Clerk in consequence of the Absence of the Lieutenancy, each	1	11	6
2. For Correspondence (no extra Charge being made for preparing Drafts) and copying, and for the Performance of other Duties:—			
To the Clerk of a County where the total Number borne upon the Establishment of all the Volunteer Corps taken collectively is 200 Men or under -	5	0	0
From 201 Men to 400 Men - - -	8	0	0
„ 401 „ 600 „ - - -	11	0	0
„ 601 „ 800 „ - - -	14	0	0
„ 801 „ 1,000 „ - - -	17	0	0
„ 1,001 Men upwards - - - -	20	0	0

3. For

	£	s.	d.
3. For drawing out the Order of the Lieutenant of the County or of the Deputy Lieutenants for assembling the Volunteer Corps for Exercise - - - each Order	0	2	6
4. For drawing out the Order of the Lieutenant of the County or of the Deputy Lieutenants upon the Magistrates for providing Volunteer Corps with Billets when assembled for Exercise - - - - - each Order	0	2	6

5. When it is necessary to send the Clerk to a Distance for the Performance of any Duty under the Laws relating to Volunteers, he is to have an Allowance for his Travelling Expenses, at the Rate of Ninepence per Mile, and the actual Expense incurred for Tolls and Ferries,—the whole of such Expenses, however, to be certified by the Lieutenancy, and reported to the Secretary of State for special Consideration, before becoming a Charge in the Clerk's Account.

6. The Amount actually expended for Stationery, Postage, and Carriage of Letters and Parcels, and for Messengers, will be allowed on an Account certified by the Lieutenancy, whose Certificate shall state that the Expenditure was necessary, and actually made.

The Charge for Stationery is to be supported by the Bills and Receipts of the Persons paid for the same.

(vi.) *Enactments repealed.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
44 Geo. 3. c. 54. -	An Act to consolidate and amend the Provisions of the several Acts relating to Corps of Yeomanry and Volunteers in Great Britain; and to make further Regulations relating thereto.	So far as the Act relates to Volunteers in Great Britain.
44 Geo. 3. c. 94. -	An Act to explain an Act of the present Session of Parliament, for consolidating and amending the Provisions of the several Acts relating to Corps of Yeomanry and Volunteers in Great Britain, so far as respects the accounting for Monies received by Volunteer Officers.	So far as the Act relates to Volunteers in Great Britain.
46 Geo. 3. c. 125. -	An Act for regulating the Rank of Officers in Yeomanry and Volunteer Corps.	So far as the Act relates to Volunteers in Great Britain.
46 Geo. 3. c. 140. -	An Act to amend Two Acts passed in the Forty-second Year of His present Majesty, relating to the Militia of England and Scotland respectively, as to the Pay of the Officers and Men of the said Militia.	So far as the Act relates to Volunteers in Great Britain.
50 Geo. 3. c. 25. -	An Act to amend several Acts relating to the Local Militia of Great Britain.	Section Three.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
53 Geo. 3. c. 81. -	An Act to amend several Acts relating to the Militia, and to enlisting of the Militia into His Majesty's Regular Forces.	Section Four.
56 Geo. 3. c. 39. -	An Act to reduce the Number of Days of Muster or Exercise of Yeomanry and Volunteer Cavalry.	So far as the Act relates to Volunteers in Great Britain.
57 Geo. 3. c. 44. -	An Act to allow Corps of Yeomanry or Volunteer Cavalry, when assembled for the Suppression of Riots or Tumults, to be quartered and billeted, and Officers on Half Pay to hold certain Commissions in such Corps, and to exempt Members in such Corps from serving the Office of Constable.	So far as the Act relates to Volunteers in Great Britain.
7 Geo. 4. c. 58. -	An Act to amend the Laws relating to Corps of Yeomanry Cavalry and Volunteers in Great Britain.	So far as the Act relates to Volunteers in Great Britain, including the Provisions thereof relative to the Remuneration of the Clerks of Meetings therein mentioned, so far as that Remuneration has reference to the Execution of the Provisions of any Act relating to Volunteers in Great Britain.
23 & 24 Vict. c. 13.	An Act to prevent the Members of Benefit Societies from forfeiting their Interest therein by being enrolled in Yeomanry or Volunteer Corps.	So far as the Act relates to Volunteers in Great Britain.
23 & 24 Vict. c. 140.	The Rifle Volunteer Grounds Act, 1860 -	The whole.
24 & 25 Vict. c. 126.	An Act to exempt the Volunteer Forces of Great Britain from the Payment of Tolls.	The whole.
25 & 26 Vict. c. 41.	An Act for amending "The Rifle Volunteer Grounds Act, 1860."	The whole.

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Consolidate and amend the Acts relating to the Volunteer Force in Great Britain.

WHEREAS it is expedient to consolidate and amend the Acts relating to the Volunteer Force in Great Britain:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited as The Volunteer Act, 1863. Short Title.

PART I.

Organization of Volunteer Force.

Acceptance of Service.

2. It shall be lawful for Her Majesty to accept the Services of any Persons desiring to be formed under this Act into a Volunteer Corps, and offering their Services to Her Majesty through the Lieutenant of a County. Power for Crown to accept Services through Lieutenants of Counties.

On such Acceptance the proposed Corps shall be deemed lawfully formed under this Act as a Corps of that County.

Permanent Staff.

Power for Crown to form a Permanent Staff.

3. Her Majesty may from Time to Time constitute for any Volunteer Corps a Permanent Staff, consisting of an Adjutant commissioned by Her Majesty, and of so many Serjeant Instructors as may seem fit, engaged and attested (according to Regulations under this Act) for a Period not exceeding Five Years, or of such an Adjutant, or of such Serjeant Instructors, alone.

For the Purposes of this Act, all such Adjutants shall be deemed Officers of the respective Corps, and all such Serjeant Instructors shall be deemed to belong to the respective Corps, on the Permanent Staff whereof they serve, and shall be deemed respectively Officers and Non-commissioned Officers of the Volunteer Permanent Staff; but nothing in this Act shall be taken to exempt any Officer or Non-commissioned Officer of the Permanent Staff of a Volunteer Corps from being subject to the Orders of the Officers of the Corps, according to their Rank and the Laws and Usages of Her Majesty's Forces.

If any Non-commissioned Officer of the Volunteer Permanent Staff enrols himself as a Volunteer or Substitute in the Militia, or is attested to serve on the Permanent Staff thereof, or enlists in Her Majesty's Army, he may be tried and punished as a Deserter; or, if he confesses his Desertion, One of Her Majesty's Principal Secretaries of State, instead of causing him to be tried and punished as a Deserter, may, if it seems fit, cause him, in any such Case, to be returned to his Service on the Volunteer Permanent Staff, and to be there put under Stoppages until he has repaid the Amount of any Bounty received by him, and the Expenses attending his Enrolment, Attestation, or Enlistment,—or, in case of Enlistment in Her Majesty's Army, may cause him to be held to his Service in Her Majesty's Army, with a Direction, if it seems fit, that his Time of Service therein shall not be reckoned for Pension until the Time when his Engagement on the Volunteer Permanent Staff would have expired.

Any Non-commissioned Officer of the Volunteer Permanent Staff so enrolling himself, being attested, or enlisting, shall, nevertheless, be liable to deliver up in good Order, fair Wear and Tear only excepted, all Arms, Clothing, and Appointments issued to him as a Non-commissioned Officer of the Volunteer Permanent Staff; and in case of his being either returned to his Service on the Volunteer Permanent Staff, or held to his Service in Her Majesty's Army, One of Her Majesty's Principal Secretaries of State may, if it seems fit, cause him to be put under Stoppages until he has repaid the Value of any such Arms, Clothing, or Appointments not so delivered up.

Officers and Volunteers.

Officers commissioned by Lieutenant of County.

4. Every Volunteer Corps shall (except as to the Officers of the Permanent Staff thereof) be officered by Persons appointed with Her

Her Majesty's Approval and commissioned by the Lieutenant of the County to which the Corps belongs.

A Commission issued in any Case under this Act by the Lieutenant of a County shall not be deemed vacated by the Revocation, Expiration, or Discontinuance of the Commission by which such Lieutenant was appointed.

Rank of Officers, and Seats in House of Commons.

5. Officers of the Volunteer Force shall rank with Officers of Her Majesty's Regular and Militia Forces as the youngest of their respective Ranks; and shall rank with Officers of the Yeomanry Force according to the Rank and Date of their respective Commissions in the respective Forces.

The Acceptance of a Commission in the Volunteer Force by a Member of the Commons House of Parliament shall not render his Seat vacant.

Oath in Schedule.

6. Every Officer shall, on receiving his Commission, and every Volunteer shall, on his Enrolment in the Muster Roll of his Corps, or in either Case as soon afterwards as may be, take the Oath set forth in the Schedule to this Act, to be administered by the Lieutenant of the County to which the Corps belongs, or by a Deputy Lieutenant or Justice of the Peace for the County, or by an Officer of the Corps who has taken such Oath.

Power for Volunteer to quit Corps.

7. Any Volunteer may, except when on actual Military Service, quit his Corps on complying with the following Conditions; namely,—

(1.) giving to the Commanding Officer of his Corps Fourteen Days Notice in Writing of his Intention to quit the Corps:

(2.) delivering up in good Order, fair Wear and Tear only excepted, all Arms, Clothing, and Appointments, being Public Property or Property of his Corps, issued to him:

(3.) paying all Money due or becoming due by him, under the Rules of his Corps, either before or at the Time or by reason of his quitting it, for any Subscription or Fine, or on any other Account:

and thereupon he shall be struck out of the Muster Roll of the Corps by the Commanding Officer.

If any Volunteer gives such Notice, and the Commanding Officer refuses to strike him out of the Muster Roll, and the Volunteer considers himself aggrieved thereby, the Volunteer may appeal to Two Deputy Lieutenants, or One Deputy Lieutenant and a Justice of the Peace, for the County to which the Corps belongs, (not being Members of the Corps,) who shall hear and determine the Appeal, and may, for the Purposes thereof, administer Oaths and examine any Person as a Witness; and their Determination shall be binding on all Persons.

Discharge of Volunteer taking Service in Militia or Army.

8. If any Volunteer enrols himself as a Volunteer or Substitute in the Militia, or is attested to serve on the Permanent Staff thereof, or enlists in Her Majesty's Army, he shall be deemed discharged from the Volunteer Force, and the Commanding Officer of his Corps shall strike him out of the Muster Roll thereof.

He shall, nevertheless, be liable to deliver up in good Order, fair Wear and Tear only excepted, all Arms, Clothing, and Appointments, being Public Property or Property of his Corps, issued to him, and to pay all Money due or becoming due by him, under the Rules of his Corps, either before or at the Time or by reason of his Discharge, for any Subscription or Fine, or on any other Account. If such Arms, Clothing, and Appointments are not so delivered up by him, or such Money is not paid by him, then, without Prejudice to any Proceeding or Remedy against him under this Act, he may, under an Order of One of Her Majesty's Principal Secretaries of State, if it seems fit, be put under Stoppages out of any Bounty or Pay receivable by him, or both, until the Value of such Arms, Clothing, or Appointments not so delivered up, or such Money (as the Case may be), is fully paid.

General Command.

Power for Crown to put Volunteers under Command of General or Field Officers.

9. Whenever any Volunteers are on actual Military Service, or are undergoing Inspection, or are voluntarily doing any Military Duty, Her Majesty may put them under the Command of such General or Field Officers of Her Majesty's Army as Her Majesty may appoint or designate; but so, nevertheless, that the Volunteers put under such Command shall be led by their own Officers under such Command.

Inspection.

Annual Inspection.

10. An annual Inspection of every Volunteer Corps shall be held by a General or Field Officer of Her Majesty's Army.

Efficiency.

Requisites of Efficiency under Order in Council.

11. Her Majesty in Council may from Time to Time declare what is requisite to entitle a Volunteer to be deemed an efficient Volunteer, by an Order in Council defining, for that Purpose, the Extent of Attendance at Drill to be given by the Volunteer, and the Course of Instruction to be gone through by him, and the Degree of Proficiency in Drill and Instruction to be attained by him and his Corps, such Proficiency to be judged of by the Inspecting Officer at the annual Inspection of the Corps, or otherwise, as by Order in Council is from Time to Time directed.

The

The Draft of any Scheme to be from Time to Time submitted to Her Majesty in Council for Approval under the present Section shall be laid before both Houses of Parliament One Month at least during the Session of Parliament before such Scheme receives the Approval of Her Majesty in Council.

Disbanding of Corps.

12. Her Majesty may disband or discontinue the Services of any Volunteer Corps, or any Part thereof, whenever it seems to Her Majesty expedient to do so. Power for Crown to disband Corps.

Existing Corps.

13. It shall be lawful for Her Majesty to continue the Services of all Volunteer Corps whose Services have been accepted before the passing of this Act; and the Services of every such Corps shall be deemed to be continued by Her Majesty unless and until Her Majesty thinks fit to exercise the Power of disbanding or discontinuing the Services of the Corps. Power for Crown to continue Services of Corps already formed.

The Provisions of this Act shall apply to every such Corps, as if its Services were accepted under this Act, without Prejudice to anything already done in relation to or by any such Corps.

Administrative Organization.

14. Where Two or more separate Volunteer Corps are formed by the Authority of One of Her Majesty's Principal Secretaries of State into a united Body for Military or Administrative Purposes, hereinafter called an Administrative Regiment, Her Majesty may from Time to Time constitute for such Regiment a Permanent Staff consisting of an Adjutant commissioned by Her Majesty, and of so many Serjeant Instructors as may seem fit, engaged and attested (according to Regulations under this Act) for a Period not exceeding Five Years, or of such an Adjutant, or of such Serjeant Instructors, alone. Formation of Administrative Regiments.

For the Purposes of this Act all such Adjutants shall be deemed Officers of the respective Administrative Regiments, and all such Serjeant Instructors shall be deemed to belong to the respective Administrative Regiments, on the Permanent Staff whereof they serve, but not to be Officers of or to belong to any of the separate Corps formed into those Regiments, and shall be deemed respectively Officers and Non-commissioned Officers of the Volunteer Permanent Staff; but nothing in this Act shall be taken to exempt any Officer or Non-commissioned Officer of the Permanent Staff of such a Regiment from being subject to the Orders of the Officers of the Regiment and of the separate Corps formed into the same, according to their Rank, the Laws and Usages of Her Majesty's Forces, and any Regulations under this Act.

Every such Regiment shall (except as to the Officers of the Permanent Staff thereof, and except as to the Officers of the separate

Corps formed into such Regiment,) be officered by Persons appointed with Her Majesty's Approval and commissioned as Officers of such Regiment by the Lieutenant of the County within whose Jurisdiction the Head Quarters of the Regiment are situate.

Notwithstanding the Formation of any such Regiment, the separate Corps formed into the same shall be severally deemed Volunteer Corps for all the Purposes of this Act.

Regulations.

Power for Secretary of State to make Regulations for Government of Volunteer Force.

15. One of Her Majesty's Principal Secretaries of State may from Time to Time make Regulations respecting anything in this Act directed or authorized to be done or provided by Regulation, and also such Regulations as may seem fit (not being inconsistent with any of the Provisions of this Act) respecting—

the Appointment and Promotion of Officers; and

the assembling and Proceedings of Courts of Inquiry to inquire into and report on any Matter connected with the Government or Discipline of a Volunteer Corps or Administrative Regiment;

and for the full Execution of this Act, and the general Government and Discipline of the Volunteer Force, and may alter or repeal any such Regulations; and may call for such Returns as may from Time to Time seem requisite.

PART II.

Actual Military Service.

In case of Invasion, Power for Crown to call out Volunteers for actual Military Service.

16. In case of actual or apprehended Invasion of any Part of the United Kingdom (the Occasion being first communicated to both Houses of Parliament if Parliament is sitting, or declared in Council and notified by Proclamation if Parliament is not sitting,) Her Majesty may direct the Lieutenants of Counties throughout Great Britain, or such of them as Her Majesty may judge necessary, to call out the Volunteer Corps of their respective Counties, or any of them, for actual Military Service.

Every Officer and Volunteer and Non-commissioned Officer of the Permanent Staff belonging to every Corps so called out shall be bound to assemble as the Lieutenant of the County directs, and to march according to Orders, within Great Britain; and, from the Time of his Corps being so called out, shall, for the Purposes of this Act, be deemed on actual Military Service. If any such Officer, Volunteer, or Non-commissioned Officer, not incapacitated by Infirmity for Military Service, refuses or neglects to so assemble or march, he shall be deemed a Deserter.

17. Whenever

17. Whenever a Volunteer Corps is called out for actual Military Service, the following Provisions shall take effect:— Allowances to Corps called out.

(1.) There shall be issued, in manner provided by Regulation, the Sum of Two Guineas for the Use of every Officer and Volunteer and Non-commissioned Officer of the Permanent Staff belonging to and assembling with the Corps (except such of them as do not desire to receive the Benefit thereof); and each such Sum, or so much thereof as the Commanding Officer of the Corps thinks fit, shall be laid out, under the Direction of the Commanding Officer, in providing Necessaries for each such Officer, Volunteer, and Non-commissioned Officer; and within One Month after Receipt thereof, an Account shall be settled with each such Officer, Volunteer, and Non-commissioned Officer, respecting the Application thereof, and any unapplied Residue thereof shall be paid to him:

(2.) Such Officers, Volunteers, and Non-commissioned Officers shall be entitled to receive Pay and to be billeted and quartered as the Officers and Soldiers of Her Majesty's Army, and to have Relief for their Wives and Families (being unable to support themselves) as the Officers, Non-commissioned Officers, and Men of the Militia of England and Scotland respectively, according as the Corps belongs to England or to Scotland:

(3.) On the Release of the Corps from actual Military Service there shall be paid, in manner provided by Regulation, One Guinea to every such Officer, Volunteer, and Non-commissioned Officer present with the Corps at the Time of such Release (except such of them as do not desire to receive the same), in addition to his Pay.

18. After a Volunteer Corps has been called out for actual Military Service, the Corps shall be deemed released from actual Military Service only by an Order in Writing, signed by the Lieutenant of the County to which the Corps belongs, and addressed and delivered to the Commanding Officer of the Corps; which Order the Lieutenant of the County shall issue upon and as soon as may be after a Proclamation of Her Majesty declaring the Occasion to have passed, and not sooner or otherwise. Release of Corps from actual Military Service.

Before a Volunteer Corps is released from actual Military Service, the Corps shall be returned to the County to which it belongs.

19. An Officer of the Volunteer Force disabled on actual Military Service shall be entitled to Half Pay, according to his Rank; and the Widow of such an Officer killed on actual Military Service shall be entitled to the like Pension for Life as the Widow of an Officer of Her Majesty's Army. Provision for Officers and Men disabled, and for Widows of Officers killed.

A Volunteer or Non-commissioned Officer of the Volunteer Permanent Staff, disabled on actual Military Service, shall, according to his Rank, be entitled to the like Pension and other Benefits, if any, as a Soldier of Her Majesty's Army.

PART III.

Discipline.

Officers and Volunteers.

Discipline of Volunteers while not on actual Military Service.

20. With respect to the Discipline of Officers (other than Officers of the Volunteer Permanent Staff) and Volunteers, the following Provisions shall take effect and be in force while they are not on actual Military Service:—

(1.) The Commanding Officer of a Volunteer Corps may discharge from the Corps any Volunteer, and strike him out of the Muster Roll, either for Disobedience of Orders by him while doing any Military Duty with his Corps,—or for Neglect of Duty, or Misconduct by him, as a Member of the Corps,—or for other sufficient Cause,—the Existence and Sufficiency of such Causes respectively to be judged of by the Commanding Officer. The Volunteer so discharged shall, nevertheless, be liable to deliver up in good Order, fair Wear and Tear only excepted, all Arms, Clothing, and Appointments, being Public Property or Property of his Corps, issued to him, and to pay all Money due or becoming due by him, under the Rules of his Corps, either before or at the Time or by reason of his Discharge, for any Subscription or Fine, or on any other Account. But nothing herein shall prevent Her Majesty from signifying Her Pleasure in such Manner, and giving such Directions, with respect to any such Case of Discharge, as to Her Majesty may appear just and proper:

(2.) If any such Officer as aforesaid or any Volunteer, while under Arms or on March or Duty with the Corps or Administrative Regiment to which he belongs, or any Portion thereof,—or while engaged in any Military Exercise or Drill with such Corps or Regiment, or any Portion thereof, —or while wearing the Clothing or Accoutrements of such Corps or Regiment, and going to or returning from any Place of Exercise or Assembly of such Corps or Regiment,—disobeys any lawful Order of any Officer under whose Command he then is, or is guilty of Misconduct,— the Officer then in Command of the Corps or Regiment, or any superior Officer under whose Command the Corps or Regiment

Regiment then is, may order the Offender, if an Officer, into Arrest, and if not an Officer, into the Custody of any Volunteer belonging to the Corps or Regiment or of any Non-commissioned Officer of the Volunteer Permanent Staff,— but so that the Offender be not kept in such Arrest or Custody longer than during the Time of the Corps or Regiment, or such Portion thereof as aforesaid, then remaining under Arms, or on March or Duty, or assembled, or continutinuing engaged in any such Military Exercise or Drill, as aforesaid.

Permanent Staff.

Discipline of Permanent Staff while not on actual Military Service.

21. With respect to the Discipline of Officers and Non-commissioned Officers of the Volunteer Permanent Staff, the following Provisions shall take effect and be in force while they are not on actual Military Service:—

(1.) All the Provisions of the Mutiny Act (as far as they relate to Great Britain) shall extend to and apply to and in the Case of the Officers and Non-commissioned Officers of the Volunteer Permanent Staff, and those Officers and Non-commissioned Officers shall be subject to the Mutiny Act, and shall also be entitled to the Benefits thereof, in all respects as the Officers and Soldiers of Her Majesty's Army for the Time being are, and as if the Volunteer Permanent Staff belonged to and formed Part of Her Majesty's Army, subject only to the following Variations and Provisions;—

(i.) When the assembling of a Court-martial for the Trial of an Officer or Non-commissioned Officer of the Volunteer Permanent Staff becomes necessary, a General or District Court-martial (as the Case may require) shall be convened by One of Her Majesty's Principal Secretaries of State, authorized by Commission or Warrant under the Royal Sign Manual to convene Courts-martial under the present Section; and such Secretary of State shall in all Cases and for all Purposes be substituted for the convening Officer under the Mutiny Act, and shall cause every such Court-martial to assemble with all practicable Speed after it is convened; and a Court-martial shall not sit in any Case for the Trial of an Officer or Non-commissioned Officer of the Volunteer Permanent Staff without being so convened;

(ii.) Every such General Court-martial shall consist of not less than Nine Members, and every such District Court-martial shall consist of not less than Five Members; and every such Court-martial shall (except as to the President thereof) be composed of such

Officers of the Volunteer Permanent Staff as the Secretary of State directs; and the President shall be a Field Officer of the Volunteer Force appointed by the Secretary of State;

(iii.) Sentences of District Courts-martial under the present Section shall not be put in execution until confirmed by One of Her Majesty's Principal Secretaries of State, authorized in that Behalf by Warrant under the Royal Sign Manual; and with respect to the Execution of the Sentence of any Court-martial under the present Section, One of Her Majesty's Principal Secretaries of State shall in all Cases have the like Powers as Her Majesty's Principal Secretary of State for the War Department, or the Officer confirming the Sentence of a Court-martial, has in certain Cases or Events, with respect to the Execution of the Sentences of Courts-martial under the Mutiny Act:

(2.) Whenever a Court-martial is ordered to assemble for the Trial of a Non-commissioned Officer of the Volunteer Permanent Staff, One of Her Majesty's Principal Secretaries of State may, if he thinks it expedient, issue his Warrant under his Hand for the Apprehension of such Non-commissioned Officer, and also his Warrant under his Hand for the Commitment of such Non-commissioned Officer for safe Custody to a Public Prison, Gaol, or House of Correction near the Place where the Court-martial is to sit, which Warrants respectively shall be in the Forms set forth in the Schedule to this Act, with such Variations as Circumstances require:

(3.) The Keeper of such Public Prison, Gaol, or House of Correction, or his Deputy, shall, on Production of any such Warrant of Commitment, receive the Non-commissioned Officer of the Volunteer Permanent Staff named therein into his Custody, and shall keep him in safe Custody in all respects as if he were committed by Warrant of Justices of the Peace on a Charge or Suspicion of Misdemeanour, or in Scotland of an Offence, but without Bail, until One of Her Majesty's Principal Secretaries of State orders the Discharge of such Non-commissioned Officer, or until he is otherwise delivered from such Custody by due Course of Law, or until he is delivered over to undergo any Punishment imposed by Sentence of a Court-martial; and such Keeper or Deputy shall, in the meantime, from Time to Time as Occasion requires, bring up such Non-commissioned Officer in Custody before a Court-martial sitting for his Trial:

(4.) If any Keeper of a Public Prison, Gaol, or House of Correction, or his Deputy, refuses or neglects to receive or keep any

any Non-commissioned Officer of the Volunteer Permanent Staff in manner herein-before prescribed, such Keeper or Deputy shall for every such Offence be liable to a Penalty not exceeding One hundred Pounds, to be recovered in England by Action in a Superior Court of Law at Westminster, in Scotland by Proceedings in the Court of Session, and in the Isle of Man by Proceedings in any Court of competent Jurisdiction, and to be applied to the Use of Her Majesty.

Actual Military Service.

Discipline of Volunteer Force when on actual Military Service.

22. With respect to the Discipline of Officers of the Volunteer Force and Volunteers and Non-commissioned Officers of the Volunteer Permanent Staff, the following Provision shall take effect and be in force when they are on actual Military Service; namely,—All the Provisions of the Mutiny Act (as far as they relate to Great Britain) shall extend to and apply to and in the Case of all Officers of the Volunteer Force and Volunteers and Non-commissioned Officers of the Volunteer Permanent Staff, and those Officers, Volunteers, and Non-commissioned Officers shall be subject to the Mutiny Act, and shall also be entitled to the Benefits thereof, in all respects as the Officers and Soldiers of Her Majesty's Army for the Time being are, and as if the Volunteer Force, including the Volunteer Permanent Staff, belonged to and formed Part of Her Majesty's Army, subject only to this Variation,—that a Court-martial for the Trial of an Officer of the Volunteer Force or Volunteer or Non-commissioned Officer of the Volunteer Permanent Staff shall be composed of Officers of the Volunteer Force only.

PART IV.

Rules and Property of Corps.

Power for Corps to make Rules, subject to Approval of Crown.

23. The Officers and Volunteers belonging to a Volunteer Corps may from Time to Time make Rules for the Management of the Property, Finances, and Civil Affairs of the Corps, and may alter or repeal any such Rules; but any such Rules shall not have Effect unless and until the Commanding Officer of the Corps thinks fit to transmit the same to the Lieutenant of the County to which the Corps belongs, and such Lieutenant thinks fit to submit the same for Her Majesty's Approval, and such Approval, signified through One of Her Majesty's Principal Secretaries of State, is notified by such Lieutenant to the Commanding Officer of the Corps, to be by him forthwith communicated to the Corps; whereupon the Rules so approved shall be binding on all Persons.

A Copy of the Rules in Print or Writing, or partly in Print and partly in Writing, certified under the Hand of the Commanding Officer as a true Copy of the Rules whereof Her Majesty's Approval has been notified as aforesaid, shall be conclusive Evidence of the Rules of the Corps.

Vesting of Property of Corps in Commanding Officer ex officio.

24. All Money subscribed by or to or for the Use of a Volunteer Corps or Administrative Regiment, and all Effects belonging to any such Corps or Regiment, or lawfully used by it, not being the Property of any individual Officer or Volunteer or Non-commissioned Officer of the Volunteer Permanent Staff belonging to the Corps or Regiment, and the exclusive Right to sue for and recover current Subscriptions, Arrears of Subscriptions, and other Money, due to the Corps or Regiment, and all Lands acquired by the Corps or Regiment, shall vest in the Commanding Officer of the Corps or Regiment for the Time being, and his Successors in Office, with Power for him and his Successors to sue, to make Contracts and Conveyances, and to do all other lawful Things relating thereto; and any Civil or Criminal Proceeding taken by virtue of the present Section by the Commanding Officer of a Corps or Regiment shall not be discontinued or abated by his Death, Resignation, or Removal from Office, but may be carried on by and in the Name of his Successor in Office.

Storehouses for Arms.

25. The Commanding Officer of a Volunteer Corps or Administrative Regiment, receiving any Arms, Ammunition, or other Stores supplied at the Public Expense or by Subscription, shall, subject to the Approval of the Lieutenant of the County to which the Corps belongs, or in which the Head Quarters of the Administrative Regiment are situate (as the Case may be), appoint a proper Storehouse for the depositing and safe keeping of such Arms, Ammunition, or Stores. Every such Storehouse shall be free from all County, Parochial, or other local Rates and Assessments. All Exemptions contained in The Gunpowder Act, 1860, or any Act amending the same, relative to Storehouses, Magazines, or Places belonging to or held for the Service of the Crown, shall extend to any Storehouse appointed under the present Section with the Approval of the Lieutenant of a County, if also approved of by One of Her Majesty's Principal Secretaries of State, as a fit Place for the storing of Ammunition, but not otherwise.

23 & 24 Vict. c. 139.

Recovery of Subscriptions or Fines.

26. If any Person belonging or having belonged to a Volunteer Corps or Administrative Regiment neglects or refuses to pay any Money subscribed or undertaken to be paid by him towards any of the Funds or Expenses of such Corps or Regiment, or due under the

the Rules of such Corps, and actually payable by him, or to pay any Fine incurred by him under the Rules of such Corps,—such Money shall (without Prejudice to any other Remedy) be recoverable from him, with Costs, at any Time within Twelve Months after the same becomes due and payable, as a Penalty under this Act is recoverable, and when recovered shall be applied as Part of the general Fund of the Corps or Regiment.

Wrongful Sale, Non-delivery, &c. of Public or Corps Property.

27. If any Person designedly makes away with, sells, pawns, wrongfully destroys, wrongfully damages, or negligently loses, any Thing issued to him as a Volunteer,—or wrongfully refuses or wrongfully neglects to deliver up, on Demand, any Thing issued to him as a Volunteer,—the Value thereof shall be recoverable from him, with Costs, as a Penalty under this Act is recoverable; and he shall also for every such Offence of designedly making away with, selling, pawning, or wrongfully destroying as aforesaid, be liable, on the Prosecution of the Commanding Officer of the Corps or Administrative Regiment issuing the Thing made away with, sold, pawned, or destroyed, to a Penalty not exceeding Five Pounds.

Wrongful buying of Arms, &c. from Volunteers.

28. If any Person knowingly buys or takes in exchange from any Volunteer or any Person acting on his Behalf,—or solicits or entices any Volunteer to sell,—or knowingly assists or acts for any Volunteer in selling,—or has in his Possession or Keeping, without satisfactorily accounting for,—any Arms, Clothing, or Appointments being Public Property or Property of any Volunteer Corps or Administrative Regiment, or any Public Stores or Ammunition issued for the Use of any such Corps or Regiment—he shall, on the First Commission by him of any such Offence, be liable to a Penalty not exceeding Twenty Pounds, and shall, on a Second and every other subsequent Commission by him of any such Offence, and on being convicted thereof in the like Course of Proceeding as that in which any such Penalty is recoverable, be liable to a Penalty not exceeding Twenty Pounds or less than Five Pounds, with or without Imprisonment for any Term not exceeding Six Months, with or without Hard Labour.

The Justices before whom any Person is convicted of any Offence under the present Section shall transmit the Conviction to the next Court of General or Quarter Sessions held for the County or Place where the Conviction is had, there to be kept by the proper Officer among the Records of the Court; and on the Prosecution of any Person for any subsequent Offence under the present Section, a Copy of such Conviction, certified by the proper Officer of the Court, or proved to be a true Copy, shall be sufficient Evidence to prove a Conviction for the former Offence, and such Conviction shall be

presumed not to have been quashed on Appeal until the contrary is shown.

Injury to Butts or Targets.

29. If any Person wilfully commits any Damage to any Butt or Target belonging to or lawfully used by any Volunteer Corps or Administrative Regiment, or without the Leave of the Commanding Officer of the Corps or Regiment, searches for Bullets in or otherwise disturbs the Soil forming such Butt or Target, he shall for every such Offence be liable, on the Prosecution of the Commanding Officer, to a Penalty not exceeding Five Pounds.

PART V.

Acquisition of Land for Ranges.

Power for Corps to purchase Land.

30. Subject to the Provisions of this Part of this Act, any Volunteer Corps may, with the Assent of One of Her Majesty's Principal Secretaries of State, purchase, take on Lease, or otherwise acquire any Land or Easement in Land for Rifle or Artillery Practice, and for the Erection of Butts, Targets, Batteries, and other Accommodations for the Use of the Corps when practising with Rifles or Artillery.

Before giving his Assent, the Secretary of State shall send an Inspector to the Land for the Purpose of ascertaining its Capabilities for being converted into a Rifle or Artillery Practice Ground with due Regard to the Safety and Convenience of the Public, and shall give or withhold his Assent accordingly.

Power for Landowner to give Land.

31. Any Person seised or entitled in Fee Tail or for Life of or to any Manor or Lands of Freehold, Copyhold, or Customary Tenure, and having the beneficial Interest therein, or in Scotland being the Proprietor under Entail, and in possession for the Time being, may by way of Gift grant, convey, or enfranchise in Fee Simple or for a Term of Years any Quantity not exceeding Four Acres of such Land, or any limited Right over Land to any Extent not exceeding Twenty Acres, to any Volunteer Corps, to be used by the Corps for the Purposes of this Part of this Act; but so that any such Grant, Conveyance, or Enfranchisement made by any Person seised or entitled for Life only of or to any such Manor or Lands shall not be valid beyond his own Life, unless the Person next entitled in Remainder, in Fee Simple, or Fee Tail (if legally competent) is a Party to and joins in such Grant, Conveyance, or Enfranchisement:

Provided, that in the event of any Land granted, conveyed, or enfranchised as aforesaid, ceasing to be used for the Purposes of this Part of this Act, the same shall thereupon immediately revert to and become

become a Portion of the Estate of which it formed Part before the Grant, Conveyance, or Enfranchisement was made.

Power for Commissioner of Works to grant Right of shooting in Royal Parks, &c.

32. The Chief Commissioner of Her Majesty's Works and Public Buildings may grant to any Volunteer Corps the Right to use for the Purpose of Rifle Practice or Drill any Portion of such Royal Parks, Gardens, and Possessions as are under his Management, upon such Terms, for such Time, not exceeding Twenty-one Years, and subject to such other Conditions, as he thinks fit; but any such Grant shall be at all Times revocable by Her Majesty.

Power for certain Authorities to grant Licences to use Lands.

33. A Licence to use, for the Purposes of this Part of this Act, any Portion not exceeding Four Acres of the Lands herein-after mentioned, may be granted to any Volunteer Corps as follows:

(1.) In the Case of Lands belonging to the Crown—

By the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, on behalf of Her Majesty, with the Consent of the Commissioners of Her Majesty's Treasury:

(2.) In the Case of Lands forming Part of the Possessions of the Duchy of Lancaster—

By the Chancellor and Council of the Duchy by Deed under the Hand and Seal of the Chancellor, attested by the Clerk of the Council:

(3.) In the Case of Lands forming Part of the Possessions of the Duchy of Cornwall—

By the Duke of Cornwall or other the Persons for the Time being having Power to dispose of Lands belonging to the Duchy:

Provided—

First. That no such Licence shall be granted for a longer Term than Twenty-one Years; but any Licence, when granted, may be renewed by the same Authority that would have Power to grant the same:

Secondly. That in the event of any Land to which any such Licence relates ceasing to be used for the Purposes of this Part of this Act, that Licence shall thereupon cease absolutely.

Power for Corporations, Justices, Trustees, &c. to grant Licence to use Land.

34. Any Corporation, Ecclesiastical or Lay, Sole or Aggregate, any Officer, Justices of the Peace, Trustees, or Commissioners holding Land for Public, Ecclesiastical, or Parochial Purposes, may grant and from Time to Time renew any Licence for the Use, during any Term not exceeding Twenty-one Years, by any Volunteer Corps, for the Purposes of this Part of this Act, of any Land not exceeding Four

Acres, vested in such Corporation, Officers, Justices, Trustees, or Commissioners, subject to the following Provisions:

(1.) That an Ecclesiastical Corporation Sole below the Dignity of a Bishop shall not make such a Grant without the Consent in Writing of the Bishop to whose Jurisdiction he is subject, and of the Patron of the Preferment to which the Land belongs, or the Guardians or Trustees of such Patron:

(2.) That such a Licence shall not be granted in respect of Parochial Property without the Consent of the Majority of the Ratepayers and Owners of Property in the Parish to which the same belongs, assembled at a Meeting convened according to the Mode pointed out by the Act of the Session of the Fifth and Sixth Years of King William the Fourth, (Chapter Sixty-nine,) "to facilitate the Conveyance of "Workhouses and other Property of Parishes, and of Incor- "porations or Unions of Parishes, in England and Wales," and of the Poor Law Commissioners, testified by their Seal being affixed to the Deed of Grant, and of the Guardians of the Poor of the Union within which the Parish is comprised, or of the Guardians of the Poor of the Parish where the Administration of the Relief of the Poor therein is subject to a Board of Guardians, testified by such Guardians being the Parties to make the Grant:

5 & 6 W. 4. c. 69.

(3.) That where any Officers, Trustees, or Commissioners other than Parochial Trustees make any such Grant, it shall be sufficient if a Majority or Quorum authorized to act of such Officers, Trustees, or Commissioners assembled at a Meeting duly convened, assent to such Grant and execute the Deed of Grant, although they do not constitute a Majority of the actual Body of such Officers, Trustees, or Commissioners:

(4.) That the Justices of the Peace may give their Consent to the making of any such Grant in respect of Land belonging to any County, Riding, or Division by Vote at their General Quarter Sessions, and may direct the same to be made in the Manner directed to be pursued on the Sale of the Sites of Gaols by the Act of the Seventh Year of King George the Fourth, (Chapter Eighteen), "to authorize the Dis- "posal of unnecessary Prisons in England:"

7 G. 4. c. 18.

(5.) That, in the event of any Land to which any such Licence relates ceasing to be used or the Purposes of this Part of this Act, that Licence shall thereupon cease absolutely.

35. The

35. The Lands Clauses Consolidation Act, 1845, and The Lands Clauses Consolidation (Scotland) Act, 1845, and any Act amending the said Acts, shall be incorporated with this Part of this Act. 8 & 9 Vict. cc. 18. and 19. incorporated.

In the Construction of this Part of this Act with the said incorporated Acts, this Part of this Act shall be deemed the Special Act; and the Volunteer Corps desirous of purchasing Land shall be deemed the Promoters of the Undertaking; and under the Term Land a permanent Right of Shooting and Drilling or any other Interest or Easement in Land shall be included, and may be alone conveyed while the Fee Simple or other Interest in such Land is reserved; but no Land shall be purchased otherwise than by Agreement with the Owner thereof until the Assent of One of Her Majesty's Principal Secretaries of State has been obtained in manner herein-before mentioned, and in addition thereto the following Conditions have been complied with: Construction of Acts.

(1.) A Certificate has been given by the Lieutenant of the County in manner herein-after mentioned, that it is fit and proper that the Land should be taken compulsorily for the Purposes of this Part of this Act:

(2.) An Act of Parliament has been passed authorizing the taking of such Land compulsorily:

And notwithstanding any compliance with the foregoing Conditions it shall not be lawful, under this Part of this Act, to take, under any Circumstances, otherwise than by Agreement with the Owner, any Part of a Park, Planted Walk, Avenue, Ground ornamentally planted, Garden, or Orchard, or of a Plantation attached to a House.

Provided, that in the event of any Land taken compulsorily under this Part of this Act ceasing to be used for the Purposes of this Part of this Act, the Volunteer Corps to which such Land belongs shall, within Six Months after the Date of such Certificate of Non-user as herein-after mentioned, absolutely sell and dispose of such Land, subject and according to the Provisions contained in the said incorporated Acts with respect to Lands acquired by the Promoters of an Undertaking, but not required for the Purposes thereof, and with the like Consequence in case of Default as is therein provided, and with such Right of Pre-emption in every Case whatever in favour of the Owner of the Lands from which such Land was originally severed, and of Owners of any adjoining Lands, as is given in certain Cases by the last-mentioned Provisions.

Mode in which Certificate of Lieutenant and Act of Parliament obtained.

36. In order to obtain the Certificate of the Lieutenant of the County, and an Act of Parliament for the taking of Land compulsorily, the following Proceedings shall be taken:

(1.) The Volunteer Corps desirous of taking the Land shall publish once at least in each of Three consecutive Weeks in some One and the same local Newspaper circulating in the District, or some Part of the District, within which the Land is situate, an Advertisement describing the Land proposed to be taken, and stating the Quantity of Land which they require, and the Purpose for which they require it:

(2.) They shall serve a Notice on every Owner or reputed Owner, Lessee or reputed Lessee, and Occupier, of such Land, defining in each Case the particular Land intended to be taken, and requiring an Answer stating whether the Person so served assents, dissents, or is neuter in respect of the taking of such Land; such Notice to be served,

By Delivery of the same personally to the Person required to be served, or if he is absent abroad to his Agent; or

By leaving the same at his usual or last known Place of Abode; or

By forwarding the same by Post in a prepaid registered Letter addressed to his usual or last known Place of Abode:

(3.) Upon the foregoing Provisions respecting Advertisements and Notices being complied with, the Lieutenant of the County shall inspect the Land, and after hearing all Parties desirous of being heard before him, shall grant or withhold his Certificate, as he thinks fit:

(4.) If the Lieutenant of the County withholds his Certificate, no further Steps shall be taken in the Matter; but if he grants the same, it shall be lawful for the Corps to present a Petition to One of Her Majesty's Principal Secretaries of State:

(5.) The Petition shall state the Land intended to be taken, and the Purposes for which it is required, and shall have annexed a Schedule containing the Names of the Owners, Lessees, and Occupiers of the Land who have assented, dissented, or are neuter in respect of the taking thereof, or who have returned no Answer to the Notice; and shall pray that the Corps may, with reference to such Land, be empowered to put in force the Powers of the said incorporated Acts, or any of them, with respect to the Purchase and taking of Land otherwise than by Agreement, and such Prayer shall be supported by such Evidence as the Secretary of State requires:

(6.) On Receipt of the Petition, and of the Certificate of the Lieutenant of the County, and on Proof of Compliance with

with the foregoing Provisions respecting Advertisements and Notices, the Secretary of State shall take the Petition into consideration, and may either dismiss or assent to the same, with Power to direct an Inquiry in the District in which the Land is situate, or otherwise to inquire as to the Propriety of his assenting to the Prayer of the Petition:

(7.) If the Secretary of State assents to the Prayer of the Petition, he shall make a Provisional Order empowering the Corps to put in force, with reference to the Land mentioned in the Order, the Powers of the said incorporated Acts or any of them, with respect to the Purchase and taking of Land otherwise than by Agreement, and either absolutely or subject to such Conditions and Modifications as he thinks fit:

(8.) The Secretary of State shall, as soon as conveniently may be, take such Steps as may be proper for obtaining an Act of Parliament to confirm such Provisional Order, but until so confirmed it shall not be of any Validity.

Provided, that if in any Case it appears to the Lieutenant of a County to be expedient, for Convenience of local Investigation or other Reason, that the Matter should be referred to One of the Deputy Lieutenants for the County, the Lieutenant of the County may, whether he has entered on the Investigation or not, by Writing under his Hand, refer the Matter to a Deputy Lieutenant, who shall conduct such Inspection and Hearing as aforesaid; and the granting or withholding of the Certificate of such Deputy Lieutenant shall have the same Effect for the Purposes of this Part of this Act as the granting or withholding (as the Case may be) of the Certificate of the Lieutenant of the County.

Power for Justices to stop Footpaths.

37. Where a Footpath crosses any Land purchased or acquired, or in respect of which any Licence is granted, for the Purposes of this Part of this Act, such Footpath may, with the Consent of the Vestry of the Parish in which the same is situate, and upon the Certificate of Two Justices that the Footpath to be substituted is convenient for the Public, be stopped up or diverted. All Proceedings to obtain such Certificate, and to stop up or divert such Footpath, shall be taken in the Manner in which Proceedings are directed to be taken by the Act of the Session of the Fifth and Sixth Years of King William the Fourth (Chapter Fifty), "to consolidate and amend the Laws relating to Highways in that Part of Great Britain called England," in Cases where a Person other than the Inhabitants in Vestry is desirous of stopping up, diverting, or turning a Highway, or as near thereto as Circumstances admit; with this Exception, that the Certificate of the Justices shall be conclusive in Cases where it states the Fact of their having viewed the Footpath to

5 & 6 W. 4. c. 60.

be stopped up or diverted, and that the proposed new Footpath is convenient for the Public.

Power for Secretary of State to make Byelaws.

38. One of Her Majesty's Principal Secretaries of State, with a view to the Safety and Convenience of the Public, may make Byelaws for the Regulation of Shooting on Grounds purchased, acquired, or used by any Volunteer Corps under this Part of this Act, and for the Prevention of Intrusion thereon during the Times of Shooting. Any such Byelaws may impose a reasonable pecuniary Penalty, not exceeding Five Pounds, for any Breach of a Byelaw, so that the Byelaw be so framed as to admit of Part only of the maximum Penalty being ordered to be paid; such Penalties to be recoverable and applicable as Penalties imposed by this Act are recoverable and applicable.

Proof of Cesser of Land being used for Purposes of this Part of Act.

39. Any Land purchased or acquired or in respect of which any Licence is granted under this Part of this Act, shall be deemed to have ceased to be used for the Purposes of this Part of this Act where there has not been any such Use by the Corps by which the Land was purchased or acquired, or to or for which the Licence was granted, for a Period of One Year, and a Certificate of the Fact of such Non-user is given by One of Her Majesty's Principal Secretaries of State; and such Certificate shall be conclusive Evidence of such Fact as against all Persons and in all Courts of Justice.

Exception of Isle of Man.

40. This Part of this Act shall not extend to the Isle of Man.

PART VI.

Exemptions.

Service in Militia.

41. Every Officer of the Volunteer Force, and every efficient Volunteer, and every Non-commissioned Officer of the Volunteer Permanent Staff, shall be exempt from Liability to serve personally or to provide a Substitute in the Militia of England or of Scotland.

In the Case of a Volunteer, such Exemption shall cease on his ceasing to be enrolled in the Corps in connection with which he becomes entitled to be deemed efficient, unless he quits such Corps on account of his changing his Place of Residence, in which Case the Exemption shall revive if within Ten Days after quitting such Corps he is enrolled in another Volunteer Corps.

The Certificate of the Commanding Officer of a Volunteer Corps (in the Form set forth in the Schedule to this Act, with such Variations as Circumstances may require) certifying that the Person named therein is a Volunteer enrolled in that Corps, and is exempt as aforesaid, shall be conclusive Evidence thereof.

42. Horse

Horse Duty.

42. Horse Duty shall not be payable for any Horse used Six Days or upwards within the Period of Twelve Months, ending on the Fifth Day of April preceding the Year of Assessment, as follows; namely,—

(1.) used on Duty by any Officer of the Volunteer Force or Volunteer or Non-commissioned Officer of the Volunteer Permanent Staff, required to use a Horse on Duty:

(2.) used for conveying any Gun, or any Waggon or other Military Carriage, in the Service of the Volunteer Force:

such Horse, in every such Case, being either the Property of such Officer, Volunteer, or Non-commissioned Officer or of a Volunteer Corps or Administrative Regiment, or gratuitously furnished for such Use.

A Certificate, signed by the Commanding Officer of a Volunteer Corps or Administrative Regiment, certifying that the Horse therein specified has been used as aforesaid for the said Number of Days, shall be Evidence thereof.

Penalty for false Certificate.

43. If any Commanding Officer of a Volunteer Corps or Administrative Regiment knowingly gives any false Certificate under this Act, he shall for every such Offence be liable to a Penalty not exceeding Two hundred Pounds, to be recovered in England by Action in a Superior Court of Law at Westminster, in Scotland by Proceedings in the Court of Session, and in the Isle of Man by Proceedings in any Court of competent Jurisdiction, and to be applied to the Use of Her Majesty.

Friendly or Benefit Society.

44. Notwithstanding anything in the Rules of any Friendly or Benefit Society, any Person shall not lose any Interest in the Society by reason of his Enrolment or Service in a Volunteer Corps, or his Engagement or Service on the Volunteer Permanent Staff; and any Dispute arising between such Society and Person by reason of such Enrolment, Engagement, or Service shall be deemed a Dispute directed by the Rules of the Society to be decided by Justices of the Peace, according to the Acts for the Time being in force relative to Friendly or Benefit Societies.

Tolls.

45. Any Duty or Toll leviable, under any Act of Parliament passed or to be passed, at any Pier, Wharf, Quay, Landing Place, or Bridge, or at any Turnpike Gate or Bar, or at any other Gate or Bar on a public Road, shall not be demanded or taken for—

(1.) Any Officer of the Volunteer Force, or any Volunteer, or any Non-commissioned Officer of the Volunteer Permanent Staff, being on March or Duty, or going to or returning from the Place appointed for, and on the Day for, Exercise, Inspection, Review, or other public Duty, and being in Uniform:

(2.) Any Horse ridden or used by any Officer, Volunteer, or Non-commissioned Officer as aforesaid, being on March or Duty, or going or returning as aforesaid, and being in Uniform:

(3.) Any Cart, Waggon, or Carriage, public or private, employed only in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying, any Officer, Volunteer, or Non-commissioned Officer as aforesaid, being on March or Duty, or going or returning as aforesaid, and being in Uniform, with or without any Conductor or Driver of such Cart, Waggon, or Carriage, or domestic Servant of such Officer or Volunteer:

(4.) Any Cart, Waggon, or Carriage, public or private, employed only in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying, any Arms or Baggage of any Officer, Volunteer, or Non-commissioned Officer as aforesaid, being on March or Duty, or going to or returning from the Place appointed for Exercise, Inspection, Review, or other public Duty, or any Military Stores belonging to or for the Use of, or any Gun belonging to or used by, the Volunteer Force:

(5.) Any Horse or other Beast drawing any such Cart, Waggon, or Carriage as aforesaid.

If any Person demands or takes any Duty or Toll in contravention of the present Section,—or if any Person makes any false Representation respecting himself or any other Person, or any Animal or Thing, with Intent to obtain for himself or otherwise, or fraudulently obtains for himself or otherwise, any Exemption under the present Section,—he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

PART VII.

Miscellaneous Provisions.

Allowances in Schedule to Clerks of General Meetings of Lieutenancy.

46. The several Clerks of General Meetings of Lieutenancy in Great Britain shall be entitled to receive the Sums specified in the Schedule to this Act, for their Pains and Trouble in and about the Execution of the Provisions of this Act. The said Clerks shall send to the Secretary of State such Accounts, Returns, and Statements as he from Time to Time requires.

Pecuniary Penalties to be recovered summarily.

47. Any pecuniary Penalty under this Act, the Mode of Recovery of which is not otherwise expressly provided for by this Act,—and any Money or Fine by this Act made recoverable as a Penalty under this Act is recoverable,—may be recovered as follows:—

In

In England, in a summary Way before Two or more Justices of the Peace having Jurisdiction where the Offence is committed or where the Offender happens to be, in manner directed by the Act of the Session of the Eleventh and Twelfth Years of Her Majesty (Chapter Forty-three), "to facilitate the Performance of the Duties of Justices of the Peace out of Sessions, within England and Wales, with respect to Summary Convictions and Orders;" or in case of Proceedings in the City of London, or in the Metropolitan Police District, in manner directed by the respective Enactments for the Time being in force relative to summary Proceedings there: 11 & 12 Vict. c. 43.

In Scotland, in manner directed by The Railways Clauses Consolidation (Scotland) Act, 1845, with respect to Penalties imposed by that Act, the Recovery of which is not otherwise provided for: 8 & 9 Vict. c. 33. ss. 137. and foll.

In the Isle of Man, by Proceedings in any Court of competent Jurisdiction, and in the manner in which Penalties of like Amount are recoverable by the Laws of the Isle of Man, or as near thereto as Circumstances admit.

In England, where the Sum adjudged to be paid on a summary Conviction or Adjudication, inclusive of any Costs, exceeds Five Pounds, or the Imprisonment awarded exceeds One Month, and the Person who is convicted, or against whom the Adjudication is made, thinks himself aggrieved by the Conviction or Adjudication, the following Provisions shall take effect:—

(1.) Such Person may appeal to the next Court of General or Quarter Sessions held not less than Twelve Days after the Day of such Conviction or Adjudication for the County or Place where the Conviction or Adjudication is had:

(2.) The Appellant shall, within Three Days after the Day of the Conviction, and Seven clear Days at least before the Sessions to which the Appeal is to be made, give to the Complainant a Notice in Writing of the Appeal and of the Ground thereof:

(3.) The Appellant may enter into a Recognizance with Two sufficient Sureties before a Justice of the Peace, conditioned to appear personally at the Sessions and try the Appeal, and abide the Judgment of the Court thereon, and pay any Costs awarded by the Court; or where the Appeal is against a Conviction imposing only a pecuniary Penalty, or against an Adjudication for the Payment of Money, the Appellant may deposit with the Clerk of the convicting Justices such Sum of Money as those Justices deem sufficient to cover the Amount of the Penalty, or Money

adjudged to be paid, together with the Costs of the Conviction or Adjudication, and of the Appeal:

(4.) On such Notice being given, and such Recognizance being entered into, or such Deposit being made, the Appellant shall be liberated if in custody:

(5.) The Court of General or Quarter Sessions shall hear and determine the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court seems fit, and in case of Affirmance of the Conviction or Dismissal of the Appeal, shall adjudge the Appellant to be punished according to the Conviction, or to pay Money according to the Adjudication, and to pay such Costs as are awarded, and shall, if necessary, issue Process for enforcing such Judgment:

(6.) Where any such Deposit as aforesaid is made, and the Conviction or Adjudication is affirmed, or the Appeal is dismissed, the Court may order the Amount of the Penalty or other Money adjudged to be paid, together with the Costs of the Conviction or Adjudication and of the Appeal, to be paid out of the Deposit, and the Residue thereof, if any, to be returned to the Appellant, and in any other Case shall order the Deposit to be returned to the Appellant:

(7.) Where on Appeal a Conviction is quashed, the proper Officer shall forthwith indorse on the Conviction a Memorandum that it has been so quashed; and whenever any Copy or Certificate of such Conviction is made, a Copy of the Memorandum shall be added thereto, which shall be sufficient Evidence of the Conviction having been quashed in all Cases where a Copy or Certificate would be sufficient Evidence of the Conviction.

But nothing in the present Section respecting Appeals shall affect any Enactments relative to Appeals in Cases of Summary Convictions or Adjudications in the City of London or the Metropolitan Police District.

In Scotland, and the Isle of Man, in like Cases as in England, an Appeal shall lie, in manner in that behalf provided by the Law of Scotland and of the Isle of Man respectively.

A summary Conviction or Adjudication under this Act in England, or an Adjudication made on appeal therefrom, shall not be quashed for Want of Form or be removed by Certiorari; and a Warrant of Commitment on any such Conviction shall not be held void by reason of any Defect therein, if it is therein alleged that the Person therein named has been convicted, and there is a good Conviction to sustain the same.

Any

Application of certain Penalties.

Any pecuniary Penalty recovered summarily under this Act on the Prosecution of the Commanding Officer of a Volunteer Corps or Administrative Regiment shall (notwithstanding anything in any Act relating to Municipal Corporations or to the Metropolitan Police or in any other Act contained) be paid to the Commanding Officer and be applied as Part of the general Fund of the Corps or Regiment.

Interpretation.

48. In this Act—

The Term "Lieutenant" of a County includes Vice-Lieutenant, and, as to the City of London, the Commissioners of Lieutenancy for the same:

The Term "Volunteer" means a Non-commissioned Officer or Private belonging to a Volunteer Corps, exclusive of the Permanent Staff thereof:

The Term "Person" includes (where the Case requires) a Body of Persons, corporate or unincorporate:

The Term "Mutiny Act" means the Act for punishing Mutiny and Desertion and for the better Payment of the Army and their Quarters, for the Time being in force, and includes the Articles of War made under the Authority of that Act, for the Time being in force:

The Term "Appointments" includes Accoutrements and Equipments of every Kind other than Clothing.

Application of Provisions respecting Adjutants, Serjeant Instructors, and Administrative Regiments.

If at any Time Her Majesty thinks fit to appoint on the Permanent Staff of a Volunteer Corps or Administrative Regiment a Quartermaster and a Paymaster, or either of such Officers, commissioned by Her Majesty,—or if at any Time any Non-commissioned Officer or Man, engaged and attested (according to Regulations under this Act) for a Period not exceeding Five Years, is appointed on the Permanent Staff of a Volunteer Corps or Administrative Regiment to serve in any other Capacity than that of Serjeant Instructor,—then and in such Cases all the Provisions of this Act relating to Adjutants and Serjeant Instructors and to Officers and Non-commissioned Officers of the Volunteer Permanent Staff, shall apply to such Quartermasters and Paymasters, and to such other Non-commissioned Officers and such Men, respectively.

All the Provisions of this Act relating to an Administrative Regiment shall apply to any united Body formed of Two or more separate Volunteer Corps for Military or Administrative Purposes by the Authority of One of Her Majesty's Principal Secretaries of State, whether the Corps so united are formed into a Regiment or a Brigade or a Battalion, or any other Body.

Application of Act to Isle of Wight, Cinque Ports, Isle of Man, and other Places.

49. For the Purposes of this Act, the Isle of Wight shall be deemed to be a County of itself, and the Governor thereof, or the Person for the Time being performing the Duties of Governor, shall be deemed to be the Lieutenant of such County;—the Cinque Ports, Two Ancient Towns, and their Members, shall be deemed to be a County of themselves, and the Warden thereof, or in his Absence his Lieutenant or Lieutenants, shall be deemed to be the Lieutenant of such County;—every Riding, Stewartry, City, or Place for which Her Majesty constitutes a Lieutenant, shall be deemed to be a County of itself, and the Lieutenant appointed for the same shall be deemed to be the Lieutenant of such County;—and the Isle of Man shall be deemed to be a County of England, and the Lieutenant Governor thereof, or the Person for the Time being performing the Duties of Lieutenant Governor, shall be deemed to be the Lieutenant of such County.

Repeal of Enactments in Schedule.

50. The Enactments described in the Schedule to this Act shall be repealed to the Extent therein specified; but this Repeal shall not affect the past Operation of any such Enactment, or anything already done, or any Right, Title, Obligation, or Liability already accrued thereunder, or any Remedy or Proceeding respecting the same.

Saving for Honourable Artillery Company.

51. Nothing in this Act shall apply to the Honourable Artillery Company of London.

Extent of Act.

52. This Act shall not extend to Ireland.

SCHE-

SCHEDULE.

(i.) *Oath of Officer and Volunteer.*

I *A. B.*, do sincerely promise and swear, that I will be faithful and bear true Allegiance to Her Majesty Queen Victoria, and that I will faithfully serve Her Majesty in Great Britain, for the Defence of the same against all Her Enemies and Opposers whatsoever, according to the Conditions of my Service.

[*The Name of the Successor of Her Majesty Queen Victoria for the Time being, with proper Words of Reference thereto, to be substituted as Occasion requires.*]

(ii.) *Warrant of Secretary of State for Apprehension of Non-commissioned Officer of Volunteer Permanent Staff ordered to be tried by Court-martial.*

County of } VICTORIA, &c.
To Our Sheriff of Our County of , to the High Constable of the Hundred of in the same County, to the Constables of the Town of in the same County, to Our Bailiffs and Ministers, and to the Constables and Peace Officers, in the same County, as well within Liberties as without, greeting.

Whereas the Right Honourable *A.B.*, One of Our Principal Secretaries of State, has, in pursuance of The Volunteer Act, 1863, ordered a Court-martial to assemble for the Trial of *L.M.*, being a Non-commissioned Officer of the Volunteer Permanent Staff: We therefore command you, jointly and severally, forthwith to apprehend the said *L.M.* and bring him in Custody to Our [Gaol] at in Our County of , and there deliver him into the Custody of the Keeper of Our said [Gaol] or of his Deputy.

Witness, the Right Honourable *A.B.*, One of Our Principal Secretaries of State, at , the Day of 18 .

(iii.) *Warrant of Secretary of State for Commitment in same Case.*

County of } VICTORIA, &c.
To the Keeper of Our [Gaol] at in Our County of , or to his Deputy, greeting.

Whereas the Right Honourable *A.B.*, One of Our Principal Secretaries of State, has, in pursuance of The Volunteer Act, 1863, ordered a Court-martial

to assemble for the Trial of *L.M.*, being a Non-commissioned Officer of the Volunteer Permanent Staff: We therefore command you and each of you, that you or One of you do receive him the said *L.M.* into your Custody in Our [Gaol], and him there safely keep in such Manner as if he had been committed to your Custody there by Warrant of some of the Justices assigned to keep Our Peace in Our said County on a Charge or Suspicion of Misdemeanour [*or in Scotland* of an Offence], but without Bail, until he be delivered from your Custody there in pursuance of the said Act.

Witness, the Right Honourable *A.B.*, One of Our Principal Secretaries of State, at , the Day of 18 .

A.B.

(iv.) *Certificate for Exemption from Militia.*

I *A. B.*, Commanding Officer of the Volunteer Corps, hereby certify that *C.D.* is a Volunteer enrolled in that Corps, and is by virtue of The Volunteer Act, 1863, exempt from Liability to serve personally or to provide a Substitute in the Militia of [*England*].

Given under my Hand at this Day of One thousand eight hundred and [*sixty-four*].

A.B.,
[*Lieutenant-Colonel Commanding.*]

(v.) *Allowances to Clerks of General Meetings of Lieutenancy.*

	£	s.	d.
For Trouble in executing the Duty required of them, including Copyings, Correspondence, and Stationery:			
In Counties where the Force does not exceed 200 - -	7	10	0
In Counties where the Force is above 200 and not exceeding 400 - - - - -	10	0	0
In Counties where the Force is above 400 and not exceeding 500 - - - - -	12	10	0
In Counties where the Force exceeds 500, the following Additions for every 100 or fractional Part of 100:			
Above 500 and not exceeding 1,000 - - -	2	0	0
„ 1,000 „ 2,000 - -	1	10	0
„ 2,000 „ 3,000 - -	1	0	0
„ 3,000 „ 4,000 - -	0	15	0
„ 4,000 - - - - -	0	10	0
For convening and attending any General Meeting summoned by the distinct Order of the Secretary of State - - - - - -	1	1	0
For printing, advertising, and Postage, the actual Expense.			

(vi.) *Enactments repealed.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
44 Geo. 3. c. 54. -	An Act to consolidate and amend the Provisions of the several Acts relating to Corps of Yeomanry and Volunteers in Great Britain; and to make further Regulations relating thereto.	So far as the Act relates to Volunteers in Great Britain.
44 Geo. 3. c. 94. -	An Act to explain an Act of the present Session of Parliament, for consolidating and amending the Provisions of the several Acts relating to Corps of Yeomanry and Volunteers in Great Britain, so far as respects the accounting for Monies received by Volunteer Officers.	So far as the Act relates to Volunteers in Great Britain.
46 Geo. 3. c. 125. -	An Act for regulating the Rank of Officers in Yeomanry and Volunteer Corps.	So far as the Act relates to Volunteers in Great Britain.
46 Geo. 3. c. 140. -	An Act to amend Two Acts passed in the Forty-second Year of His present Majesty, relating to the Militia of England and Scotland respectively, as to the Pay of the Officers and Men of the said Militia.	So far as the Act relates to Volunteers in Great Britain.
50 Geo. 3. c. 25. -	An Act to amend several Acts relating to the Local Militia of Great Britain.	Section Three.
53 Geo. 3. c. 81. -	An Act to amend several Acts relating to the Militia, and to enlisting of the Militia into His Majesty's Regular Forces.	Section Four.
56 Geo. 3. c. 39. -	An Act to reduce the Number of Days of Muster or Exercise of Yeomanry and Volunteer Cavalry.	So far as the Act relates to Volunteers in Great Britain.
57 Geo. 3. c. 44. -	An Act to allow Corps of Yeomanry or Volunteer Cavalry, when assembled for the Suppression of Riots or Tumults, to be quartered and billeted, and Officers on Half Pay to hold certain Commissions in such Corps, and to exempt Members in such Corps from serving the Office of Constable.	So far as the Act relates to Volunteers in Great Britain.
7 Geo. 4. c. 58. -	An Act to amend the Laws relating to Corps of Yeomanry Cavalry and Volunteers in Great Britain.	So far as the Act relates to Volunteers in Great Britain, including the Provisions thereof relative to the Remuneration of the Clerks of Meetings therein mentioned, so far as that Remuneration has reference to the Execution of the Provisions of any Act relating to Volunteers in Great Britain.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
23 & 24 Vict. c. 13.	An Act to prevent the Members of Benefit Societies from forfeiting their Interest therein by being enrolled in Yeomanry or Volunteer Corps.	So far as the Act relates to Volunteers in Great Britain.
23 & 24 Vict. c. 140.	The Rifle Volunteer Grounds Act, 1860 -	The whole.
24 & 25 Vict. c. 126.	An Act to exempt the Volunteer Forces of Great Britain from the Payment of Tolls.	The whole.
25 & 26 Vict. c. 41.	An Act for amending "The Rifle Volunteer Grounds Act, 1860."	The whole.

A

BILL

[AS AMENDED IN COMMITTEE]

To consolidate and amend the Acts relating to the Volunteer Force in Great Britain.

(Prepared and brought in by the Marquis of Hartington and the Judge Advocate General.)

Ordered, by The House of Commons, *to be Printed,* 4 *June* 1863.

[Bill 152.] *Under* 4 *oz.*

LORDS AMENDMENTS

TO THE

VOLUNTEERS BILL.

Note.—*The Page and Line refer to the Bill* (140.) *as printed by the Lords.*

Page 3. Line 11. After ("Forces") add ("Officers of the Volunteer Force, when not on actual Military Service, shall not be entitled to exercise any Military Command over any of Her Majesty's other Forces, and when on actual Military Service shall not be entitled to exercise any such Command otherwise than as may be from Time to Time prescribed by the Mutiny Act or Articles of War")

Line 37. Leave out ("Deputy Lieutenants, or One Deputy Lieutenant and a Justice") and insert ("Justices")

Lines 38 and 39. Leave out ("(not being Members of the Corps)") and insert ("usually acting within the Petty Sessional Division in which the Head Quarters of the Corps are situate, and not being Members of the Corps")

Line 41. After ("and") insert ("if it appears to such Justices that the Arms, Clothing, and Appointments issued to the Volunteer, being public Property or Property of his Corps, have been delivered up in good Order (fair Wear and Tear only excepted), or that he has paid or is ready to pay sufficient Compensation for any Damage that such Articles may have sustained, and that all Money due or becoming due by him under the Rules of his Corps, either before or at the Time or by reason of his quitting it, has been paid, such Justices may order the Commanding Officer forthwith to strike such Volunteer out of the Muster Roll of his Corps, and")

Page 4. Line 24. Leave out ("or") and insert ("so")

Page 5. Line 3. Leave out ("be") and insert ("have been"), and after ("Parliament") insert ("for")

Line 4. After the First ("the") insert ("present or any subsequent")

Page 6. Line 7. After (" Act ") insert Clause A.

(" *Courts of Inquiry.*

The Lieutenant of the County to which a Volunteer Corps belongs, or within whose Jurisdiction the Head Quarters of an Administrative Regiment are situate, may at any Time assemble a Court of Inquiry to inquire into any Matter relative to the Corps or Regiment, or to any Officer or Volunteer or Non-commissioned Officer of the Permanent Staff belonging thereto, and to record the Facts and Circumstances ascertained on such Inquiry, and, if required, to report on the same, for the Information and Assistance of such Lieutenant; such Court, where the Inquiry is with reference to an Officer, to be composed of Officers of the Volunteer Force belonging to the County, and in other Cases to be composed either of Officers and Volunteers belonging to the Corps or Regiment, or of such Officers, or of such Volunteers.

The Commanding Officer of a Volunteer Corps or Administrative Regiment may at any Time assemble a Court of Inquiry, composed either of Officers and Volunteers belonging to the Corps or Regiment, or of such Officers, or of such Volunteers, to inquire into any Matter relative to the Corps or Regiment, or to any Volunteer or Non-commissioned Officer of the Permanent Staff belonging thereto, and to record the Facts and Circumstances ascertained on such Inquiry, and, if required, to report on the same, for the Information and Assistance of the Commanding Officer; but nothing herein shall authorize any Inquiry with reference to an Officer otherwise than by a Court assembled by Direction of such Lieutenant of the County as aforesaid, and composed exclusively of Officers of the Volunteer Force belonging to such County.")

Page 7. Line 19. After (" Officers ") insert (" Non-commissioned " Officers ")

Page 14. Line 22. After (" accordingly ") insert Clause B.

(" So much of The Lands Clauses Consolidation Act, 1845, and of The Lands Clauses Consolidation (Scotland) Act, 1845, and of any Act amending the said Acts, as relates to the Purchase of Land by Agreement, shall be incorporated with this Part of this Act.

In the Construction of this Part of this Act with the said incorporated Provisions, this Part of this Act shall be deemed the Special Act; and the Volunteer Corps desirous of purchasing Land shall be deemed the Promoters of the Undertaking; and under the Term Land a permanent Right of Shooting and Drilling or any other Interest or Easement in Land shall be included, and may be alone conveyed, while the Fee Simple or other Interest in such Land is reserved.")

Page 17. Leave out Clause **35.**

Page

Page 18. Leave out Clause **36.**

Page 20. Line 23. After (" Man") add (" except that the Power " of granting Licences, given in this Part of this Act to the Com- " missioners of Her Majesty's Woods, Forests, and Land Revenues, " shall extend to any Allotment that may be made to and any " Land that may be purchased on behalf of Her Majesty, under " the Provisions of an Act of Tynwald, intituled " The Isle of Man " disafforesting Act, 1860.")

Page 22. Line 32. After (" Provisions") insert Clause C.

(" The Lieutenant of the County to which a Volunteer Corps belongs, or within whose Jurisdiction the Head Quarters of an Administrative Regiment are situate, may require the Commanding Officer of that Corps or Regiment to make to him from Time to Time such Returns of the Strength and Efficiency of the Corps or Regiment as may seem requisite.")

Page 27. At End of Form (ii.) add A. B.

LORDS AMENDMENTS

TO THE

VOLUNTEERS BILL.

Ordered, by The House of Commons, *to be Printed,*
10 *July* 1863.

[Bill 225.]

Under 1 *oz.*

17 *June* 1863. 26 Vict.

A

BILL

FOR

Vesting in Her Majesty's Principal Secretary of State for the War Department certain Lands and Hereditaments at Walmer in the County of Kent.

WHEREAS His late Majesty King George the Third, by Letters Patent bearing Date the Day of One thousand eight hundred and six, granted to the Right Honourable Robert Banks Earl of Liverpool the Office of Warden and Keeper of the Cinque Ports and their Members for and during the Term of his natural Life: And whereas the said Earl while he held the Office aforesaid did by Indentures of Lease and Release bearing Date respectively the Twenty-first and Twenty-second Days of December One thousand eight hundred and ten, and respectively made between himself of the one Part, and the Honourable Charles Cecil Cope Jenkinson, Charles Jenkinson, Esquire, the Reverend John Banks Jenkinson, George Jenkinson, Esquire, and Robert Jenkinson, Esquire, of the other Part, convey Two Pieces of Pasture Land, Planted Grounds, and Garden Grounds, One of them containing Twenty-eight Acres Two Roods, and the other Six Acres Two Roods, little more or less, situate in the Parish of Walmer, abutting on and surrounding Walmer Castle and the Preamble.

Garden thereto belonging, unto the said Charles Cecil Cope Jenkinson, Charles Jenkinson, John Banks Jenkinson, George Jenkinson, and Robert Henry Jenkinson, therein called Robert Jenkinson, their Heirs and Assigns, to the Use of the said Robert Banks Earl of Liverpool during his Life, with Remainder to the Use of the said Charles Cecil Cope Jenkinson, Charles Jenkinson, John Banks Jenkinson, George Jenkinson, and Robert Jenkinson, their Heirs and Assigns for ever, nevertheless upon Trust and to the Intent and Purpose that they, and the Survivors and Survivor of them, and the Heirs and Assigns of such Survivor, should, at all Times after the Decease of the said Earl, permit and suffer the said Lands and Hereditaments to be held, used, occupied, possessed, and enjoyed, together with Walmer Castle aforesaid, by the Lord Warden of His Majesty's Cinque Ports for the Time being, in such and the same Manner to all Intents and Purposes as if the same Lands were Part of the Precinct or Territory of the said Castle, and by Grant or Prescription belonged to the said Lord Warden for the Time being by virtue of his Office: And whereas by Indentures of Lease and Release, bearing Date respectively the Thirteenth and Fourteenth Days of September One thousand eight hundred and twenty-one, endorsed on the first-mentioned Indentures respectively, and made between the said Earl of the one Part, and the said Charles Cecil Cope Jenkinson, Charles Jenkinson, John Banks Jenkinson, George Jenkinson, and Robert Henry Jenkinson of the other Part, the said Robert Banks Earl of Liverpool did convey a Piece of Land containing Four Acres Two Roods Thirty-five Perches, situate at Walmer aforesaid, to the Uses, upon the Trusts, and to the Intent and Purpose, and with, under, and subject to the Powers, Provisoes, Agreements, and Declarations in and by the first-mentioned Indenture expressed or declared of the Hereditaments herein-before mentioned: And whereas the said Earl departed this Life in the Month of December One thousand eight hundred and twenty-eight, and the said Charles Cecil Cope Jenkinson, Charles Jenkinson, John Banks Jenkinson, and George Jenkinson departed this Life in the Lifetime of the said Robert Jenkinson, and leaving him the sole surviving Trustee of said Trust Premises: And whereas the said Robert Jenkinson departed this Life on or about the Day of One thousand eight hundred and , having previously thereto duly made and published his last Will and Testament, whereby he devised the said Trust Estates unto the Reverend Sir Brooke William Robert Boothby, Baronet, his Heirs and Assigns for ever; And whereas Her present Majesty, by Her Royal Letters Patent bearing Date the Day of March One thousand eight hundred and sixty-one, granted to the Right Honourable Henry John Viscount Palmerston, K.G., the said

said Office of Warden of the Cinque Ports and their Members for and during the Term of his natural Life: And whereas the said Viscount Palmerston, by virtue of his Appointment as aforesaid, is in the actual Possession or in receipt of the Rents and Profits of the said Lands and Premises conveyed in trust as aforesaid: And whereas a Map or Plan of all the Lands and Hereditaments held by the said Viscount Palmerston as Lord Warden of the Cinque Ports hath been prepared, distinguishing therein by a Red Edging such of the Premises as belong to the Crown and are at present under the Charge of Her Majesty's Principal Secretary of State for the War Department, and also the Residue of the Premises by a Blue Edging that before the passing of this Act are vested in the said Sir Brooke William Robert Boothby, Baronet, in trust as aforesaid, which Map or Plan is signed by the said Viscount Palmerston, Earl De Grey and Ripon, and , and is deposited in the Office of Her Majesty's Principal Secretary of State for the War Department: And whereas it is expedient that the said Lands and Premises now vested in the said Sir Brooke William Robert Boothby in trust as aforesaid should be transferred to and vested in Her Majesty's Principal Secretary of State for the War Department and his Successors, but so nevertheless that the said Lands and Hereditaments, with their Appurtenances, may be held, used, occupied, and enjoyed together with Walmer Castle by the said Viscount Palmerston, or other the Lord Warden for the Time being of Her Majesty's Cinque Ports: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Lands vested in Secretary of State for War.

1. The Lands conveyed by the Indentures respectively hereinbefore recited or referred to, being the Lands described or delineated on the said Map or Plan, and surrounded thereon by a Blue Edging, shall, upon the *passing of this Act*, become and be vested in Her Majesty's Principal Secretary of State for the War Department, on behalf of Her Majesty, for all the Estate and Interest now vested in the said Sir Brooke William Robert Boothby, but so nevertheless that the said Lands and Hereditaments, with their Appurtenances, may be held, occupied, and enjoyed together with Walmer Castle by the said Viscount Palmerston, or other the Lord Warden for the Time being of Her Majesty's Cinque Ports.

Not to affect any Right of the Representatives of the said Earl of Liverpool.

2. Nothing in this Act contained shall affect or prejudice any present or future or contingent Estate, Right, or Interest at Law or in Equity which the Representatives of the said Earl of Liverpool, or any other Person or Persons, would now or under any resulting Trust

Trust or otherwise might hereafter have or be entitled to if this Act had not been passed, save only the Estate and Interest of the said Sir Brooke William Robert Boothby.

Construction of Act.

3. In the Construction of this Act the Style or Title "Her Majesty's Principal Secretary of State for the War Department" shall mean Her Majesty's Principal Secretary of State for the Time being to whom Her Majesty shall think fit to intrust the Seals of the War Department.

Short Title.

4. This Act may be cited as "The Walmer Vesting Act, 1863."

Walmer Vesting.

A

B I L L

For vesting in Her Majesty's Principal Secretary of State for the War Department certain Lands and Hereditaments at Walmer in the County of Kent.

(Prepared and brought in by The Marquis of Hartington and the Judge Advocate.)

Ordered, by The House of Commons, *to be Printed,* 17 *June* 1863.

[Bill 170.]

Under 1 *oz.*

A

BILL

TO

Make more effectual Provision for the Appointment of Watchmen in Towns in Ireland.

Preamble. 17 & 18 Vict c. 103. s. 89.

WHEREAS by an Act passed in the Seventeenth and Eighteenth Years of Her Majesty, intituled "An Act to "make better Provision for the paving, lighting, draining, "cleansing, supplying with Water, and Regulation of Towns in "Ireland," it was amongst other things enacted, that it should be lawful for the Lord Lieutenant of Ireland, on the Application of the Commissioners elected under the said Act, to increase the Constabulary Force stationed in any such Town, to act as Watchmen within such Town by Night, as they might be required by such Commissioners or any Three of them: And whereas the said Provision of the said recited Act has in many Cases been found inoperative by reason of the great Expense consequent on the Application thereof, and the Inability of Towns wherein the said Act has been introduced to bear the additional Taxation required by such Expense: And whereas it is expedient to amend the said Act: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this

 present

present Parliament assembled, and by the Authority of the same, as follows:

Commencement of Act.

1. This Act shall commence and take effect on the *First Day of January One thousand eight hundred and sixty-four.*

Short Title.

2. This Act may for all Purposes be cited as "The Towns Improvement (Ireland) Amendment Act, 1864."

This Act incorporated with recited Act.

3. This Act shall be deemed to be incorporated with the said recited Act, and shall be as if the said recited Act and this Act were One Act.

Lord Lieutenant may authorize Commissioners to appoint Watchmen.

4. It shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland, on the Application of the Commissioners elected under the Provisions of the said recited Act in any City, Town Corporate, Borough, Market Town, or other Town in Ireland, to authorize and empower such Commissioners to appoint a sufficient Number of able Watchmen to keep watch within any such City or Town or Borough, or the Suburbs or Liberties thereof, and also to appoint the Times of Watch, and the Stations and the Duties of the several Watchmen, and to fine and dismiss any of such Watchmen at the Pleasure of such Commissioners, and to provide a Watch-house and all necessary Articles for such watching.

Powers of Watchmen.

5. It shall be lawful for such Watchmen to apprehend all such idle and disorderly or drunken Persons as they or any of them shall find committing any Breach of the Peace, or making any improper Noise or Disturbance, during the Night or during their Watch, and to detain any such Persons till Morning, and then, or, if apprehended by Day, as soon as conveniently may be, to take such Person or Persons before any Justice of the Peace for or acting in the City, Borough, Town, or Place, to be dealt with according to Law; and if any Victualler, Publican, or other Person or Persons selling Beer or Spirituous Liquors shall entertain or harbour in his, her, or their House any such Watchman during his appointed Hours of Duty, such Victualler, Publican, or other Person or Persons shall forfeit for the Offence of so harbouring such Watchman any Sum not exceeding *Twenty Shillings.*

Expenses of Watch to be paid out of general Assessments authorized by recited Act.

6. It shall be lawful for such Commissioners and they are hereby empowered to defray the Expenses of maintaining and providing for the said Watch out of the general Assessments authorized to be levied under the Provisions of the said recited Act.

A

B I L L

FOR

Consolidating in One Act certain Provisions frequently inserted in Acts relating to Waterworks.

WHEREAS The Waterworks Clauses Act, 1847, was passed in order to comprise in One Act sundry Provisions which were at the Time of the passing of that Act usually introduced into Acts of Parliament authorizing the Construction of certain Waterworks: Preamble.

And whereas sundry Provisions of the like Nature, but not comprised in the said Act, are now frequently introduced into Acts of Parliament relating to Waterworks, and it is expedient to comprise such last-mentioned Provisions also in One Act, and that as well for the Purpose of avoiding the Necessity of repeating such Provisions in Special Acts relating to Waterworks, as for ensuring greater Uniformity in the Provisions themselves:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited as The Waterworks Clauses Act, 1863; and The Waterworks Clauses Act, 1847, and this Act may be cited together as The Waterworks Clauses Acts, 1847 and 1863. Short Title.

Application of Act and Interpretation.

2. This Act shall apply to any Waterworks to which any Special Act hereafter passed and incorporating this Act relates; and every such Special Act is herein-after referred to as "the Special Act."

Terms used in this Act have the same Meanings as the same Terms have when used in The Waterworks Clauses Act, 1847.

The Provisions respecting the Recovery of Penalties contained in the last-mentioned Act shall be incorporated with this Act.

Security of Reservoirs.

And with respect to the Security of the Reservoirs constructed by the Undertakers, be it enacted as follows:

Power for Justices to inquire as to Danger of Reservoir.

3. Whenever any Person interested complains to Two Justices that any Reservoir constructed by the Undertakers is in a dangerous State, such Justices shall forthwith make Inquiry into the Truth of the Complaint; or Two Justices, on their own View, and without Complaint by any Person, may proceed under the present Provisions as if a Complaint had been so made to them.

Order of Justices for immediate Repair.

4. If, on any such Inquiry, the Justices are satisfied that the Complaint is well founded, and that the Reservoir is in a dangerous State, and that the Danger is so imminent as not to admit of Delay in removing the Cause of Complaint, they shall order such Person as they think fit to enter on the Property of the Undertakers, and to lower the Water in the Reservoir, and to execute and do all such Works and Things as the Justices think requisite and proper for removing the Cause of Complaint.

Order of Justices on Undertakers to repair Reservoir.

5. If, on any such Inquiry, the Justices are satisfied that there is good Cause of Complaint, but are not satisfied that the Reservoir is in such an imminently dangerous State as not to admit of Delay in removing the Cause of Complaint, they shall issue their Summons to the Undertakers to answer the Complaint; and upon hearing the Parties, the Justices may, or upon Default of Appearance of the Undertakers, then in their Absence, the Justices shall, order the Undertakers, within such Period as the Justices think reasonable and specify in the Order, to lower the Water in the Reservoir, and to execute and do all such Works and Things as the Justices think requisite and proper for removing the Cause of Complaint.

Order of Justices on Failure of Undertakers to repair.

If the Undertakers fail to execute or do within that Period any such Work or Thing, the Justices who made the Order, or any other Two Justices, on being satisfied of such Failure, may either order such Persons as the Justices think fit to enter on the Property of the Undertakers, and to lower the Water in the Reservoir, and to do all such Works and Things as the Justices think requisite and proper for

for removing the Cause of Complaint; or may, if they think fit, by Order impose on the Undertakers a Penalty, not exceeding *Ten* Pounds, for every Day during which such Failure continues after the making of the Order imposing the Penalty.

Form of Order.

6. Any Order of Justices made in any of the Cases aforesaid shall be in Writing under their Hands, and may be in the Form set forth in the Schedule to this Act, with such Variations as Circumstances require.

Persons acting under Order not Trespassers.

7. Any Person acting under and in pursuance of any such Order shall not be deemed a Trespasser; and if any Person wilfully obstructs any Person lawfully acting in obedience to any such Order, or wilfully does, or instigates, or suffers to be done, anything in contravention thereof, he shall, for every such Offence, be liable to a Penalty not exceeding *Fifty* Pounds.

Order for Payment of Costs and Expenses.

8. The Justices may order all, or such Part as they think fit, of the Costs of and incident to the applying for and obtaining of any such Order to be paid by the Undertakers, and also all, or such Part as the Justices think fit, of the Expenses of the Works and Things executed and done in pursuance of any such Order by any Person other than the Undertakers, to be paid by the Undertakers to such Person as the Justices appoint.

If the Justices before whom any Complaint is made as aforesaid, think that there is no sufficient Ground for such Complaint, they may, if they think fit, order the Complainant to pay to the Undertakers the whole or any Part of their Costs of or incident to such Complaint.

Appeal by Undertakers.

9. If the Undertakers consider themselves aggrieved by any Order or Determination of Justices under the present Provisions, they may in like Manner and subject to the like Conditions as by The Railways Clauses Consolidation Act, 1845, are provided in the Case of Appeals in respect of Penalties, appeal to the Court of General or Quarter Sessions for the County or Place where the Cause of Appeal arises; and that Court may, on the Hearing of the Appeal, either affirm or quash the Order or Determination, or make such other Order in the Premises as may seem fit, and may make such Order as to the Costs, both of the original Proceedings and of the Appeal, as may seem fit; but the Order or Determination appealed against shall, pending the Appeal, continue in force.

Undertakers not to be responsible

10. Notwithstanding anything in the Special Act contained, the Undertakers shall not be liable to pay any Damages, Penalties, Costs,

for Consequences of Order.

Charges, or Expenses for or in respect of, or be answerable or accountable for, any Diminution or Cessation of the Supply of Water, or any other Breach or Nonperformance of their or any of their Duties, Liabilities, or Obligations under the Special Act, that may be occasioned by or result from the Execution of any such Order.

Provisions as to Scotland.

11. The present Provisions with respect to the Security of Reservoirs shall apply to England and Ireland; and they shall also apply to Scotland, subject to the following Variations, namely,—that the Sheriff shall be deemed to be empowered thereby, as well as Two Justices; and that the Appeal given shall lie from Two Justices in manner provided by Sections One hundred and fifty-one and One hundred and fifty-two of The Railways Clauses Consolidation (Scotland) Act, 1845, and shall lie from a Sheriff Substitute to the Sheriff Depute, where the Matter comes in the first instance before a Sheriff Substitute; and in that Case the Sheriff Depute shall hear and determine the Appeal, and may either confirm, recall, vary, or supersede the Order of the Sheriff Substitute as he thinks proper; and the Costs of the Appeal shall be in the Discretion of the Sheriff; and the Order or Judgment of the Sheriff in any such Appeal shall be final.

Supply and Protection of Water.

And with respect to the Supply of Water to be furnished by the Undertakers, and to the Waste or Misuse of the Water supplied by or belonging to them, be it enacted as follows:

Definition of domestic Purposes.

12. A Supply of Water for domestic Purposes shall not include a Supply of Water for Cattle, or for Horses, or for washing Carriages, where such Horses or Carriages are kept for Sale or Hire or by a Common Carrier, or a Supply for any Trade, Manufacture, or Business, or for watering Gardens, or for Fountains, or for any ornamental Purpose.

Want of Supply for other than domestic Purposes, when excused.

13. Where the Undertakers are authorized by the Special Act to supply Water for other than domestic Purposes, they shall not be liable under the Special Act, or, in the Absence of express Stipulation, under any Agreement for the Supply of Water for other than domestic Purposes, to any Penalty or Damages for not supplying such Water, if the Want of such Supply arises from Frost, unusual Drought, or other unavoidable Cause or Accident.

Power to let Meters for Hire.

14. Where the Undertakers are authorized by the Special Act to supply Water for any Purpose by Measure, they may let for Hire to any Consumer of Water so supplied any Meter or Instrument for measuring the Quantity of Water supplied and consumed, and any Pipes

Pipes and Apparatus for the Conveyance, Reception, or Storage of such Water, for such Remuneration in Money as may be agreed upon between them and the Consumer, which shall be recoverable in the same Manner as Rates due to the Undertakers for Water; and such Meters, Instruments, Pipes, and Apparatus shall not be subject to Distress or to the Landlord's Hypothec for Rent of the Premises where the same are used, or be attached or taken in Execution under any Process of any Court of Law or Equity, or under or in pursuance of any Adjudication or Order in Bankruptcy, or other legal Proceeding, against or affecting the Consumer of the Water or the Occupier of such Premises, or other the Person in whose Possession such Meters, Instruments, Pipes, and Apparatus may be.

Power for ascertaining Quantity consumed by Meter, and for removing Meters, &c.

15. The Officers of the Undertakers may enter any House, Building, or Lands to, through, or into which Water is supplied by them by Measure, in order to inspect the Meters, Instruments, Pipes, and Apparatus for the measuring, Conveyance, Reception, or Storage of Water, or for the Purpose of ascertaining the Quantity of Water supplied or consumed, and may from Time to Time enter any House, Building, or Lands, for the Purpose of removing or carrying away any Meter, Instrument, Pipe, or Apparatus the Property of the Undertakers; and if any Person hinders any such Officer from entering and making such Inspection, or effecting such Removal, he shall for every such Offence be liable to a Penalty not exceeding *Five* Pounds; but except with the Consent of a Justice or the Sheriff, such Power of Entry shall be exercised only between the Hours of *Ten* in the Forenoon and *Four* in the Afternoon.

Power to cut off Water in certain Cases.

16. If any Person supplied with Water by the Undertakers wrongfully does or causes or permits to be done anything in Contravention of any of the Provisions of the Special Act, or of any Act incorporated therewith, or wrongfully fails to do anything which, under any of those Provisions, ought to be done for the Prevention of the Waste, Misuse, undue Consumption, or Contamination of the Water of the Undertakers, they may (without Prejudice to any Remedy against him in respect thereof) cut off any of the Pipes by or through which Water is supplied by them to him, or for his use, and may cease to supply him with Water, so long as the Cause of Injury remains or is not remedied.

Penalty for Waste, &c., of Water by Non-repair of Pipes, &c.

17. If any Person supplied with Water by the Undertakers wilfully or negligently causes or suffers any Pipe, Valve, Cock, Cistern, Bath, Soil-pan, Watercloset, or other Apparatus or Receptacle to be out of repair, or to be so used or contrived as that the Water supplied to him by the Undertakers is or is likely to be wasted, misused, unduly consumed,

or contaminated, or so as to occasion or allow the return of foul Air, or other noisome or impure Matter, into any Pipe belonging to or connected with the Pipes of the Undertakers, he shall for every such Offence be liable to a Penalty not exceeding *Five* Pounds.

Penalty for Application of Water contrary to Agreement.

18. If any Person—

First, not having from the Undertakers a Supply of Water for other than domestic Purposes, uses, for other than domestic Purposes, any Water supplied to him by the Undertakers; or

Secondly, having from the Undertakers a Supply of Water for any other than domestic Purposes, uses, for any Purposes other than those for which he is entitled to use the same, any Water supplied to him by the Undertakers,—

he shall for every such Offence be liable to a Penalty not exceeding *Forty Shillings*, without Prejudice to the Right of the Undertakers to recover from him the Value of the Water misused.

Penalty on use of Water without Agreement.

19. If any Person, not being supplied with Water by the Undertakers, wrongfully takes or uses any Water from any Reservoir, Watercourse, Conduit, or Pipe belonging to the Undertakers, or from any Pipe leading to or from any such Reservoir, Watercourse, Conduit, or Pipe, or from any Cistern or other like Place containing Water belonging to the Undertakers, or supplied by them for the use of any Consumer of the Water of the Undertakers, he shall for every such Offence be liable to a Penalty not exceeding *Five* Pounds.

SCHE-

SCHEDULE.

Form of Order of Justices.

To *A.B.* of &c.

We the undersigned, Two of Her Majesty's Justices of the Peace acting for the [County] of do hereby order and direct you [and such Person and Persons as you may require to aid and assist you herein,] forthwith to lower the Water in the [*here describe the Reservoir and the Extent to which the Water is to be lowered*], and to do all such Works and Things as are requisite to repair and make secure the said Reservoir [and you shall do as little Injury as possible to the Property of the and for acting as you are hereby directed this shall be your sufficient Warrant].

Given under our Hands this Day of One thousand eight hundred and

A.B.
C.D.

A

BILL

For consolidating in One Act certain Provisions frequently inserted in Acts relating to Waterworks.

(*Prepared and brought in by Mr. Milner Gibson and Mr. Hutt.*)

Ordered, by The House of Commons, *to be Printed,* 3 *July* 1863.

[Bill 207.]

Under 1 *oz.*

A

BILL

[AS AMENDED IN COMMITTEE]

FOR

Consolidating in One Act certain Provisions frequently inserted in Acts relating to Waterworks.

WHEREAS The Waterworks Clauses Act, 1847, was passed in order to comprise in One Act sundry Provisions which were at the Time of the passing of that Act usually introduced into Acts of Parliament authorizing the Construction of certain Waterworks: Preamble.

And whereas sundry Provisions of the like Nature, but not comprised in the said Act, are now frequently introduced into Acts of Parliament relating to Waterworks, and it is expedient to comprise such last-mentioned Provisions also in One Act, and that as well for the Purpose of avoiding the Necessity of repeating such Provisions in Special Acts relating to Waterworks, as for ensuring greater Uniformity in the Provisions themselves:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited as The Waterworks Clauses Act, 1863; and The Waterworks Clauses Act, 1847, and this Act may be cited together as The Waterworks Clauses Acts, 1847 and 1863. Short Title.

Application of Act and Interpretation.

2. This Act shall apply to any Waterworks to which any Special Act hereafter passed and incorporating this Act relates; and every such Special Act is herein-after referred to as "the Special Act."

Terms used in this Act have the same Meanings as the same Terms have when used in The Waterworks Clauses Act, 1847.

The Provisions respecting the Recovery of Penalties contained in the last-mentioned Act shall be incorporated with this Act.

Security of Reservoirs.

And with respect to the Security of the Reservoirs constructed by the Undertakers, be it enacted as follows:

Power for Justices to inquire as to Danger of Reservoir.

3. Whenever any Person interested complains to Two Justices that any Reservoir constructed by the Undertakers is in a dangerous State, such Justices shall forthwith make Inquiry into the Truth of the Complaint; or Two Justices, on their own View, and without Complaint by any Person, may proceed under the present Provisions as if a Complaint had been so made to them.

Order of Justices for immediate Repair.

4. If, on any such Inquiry, the Justices are satisfied that the Complaint is well founded, and that the Reservoir is in a dangerous State, and that the Danger is so imminent as not to admit of Delay in removing the Cause of Complaint, they shall order such Person as they think fit to enter on the Property of the Undertakers, and to lower the Water in the Reservoir, and to execute and do all such Works and Things as the Justices think requisite and proper for removing the Cause of Complaint.

Order of Justices on Undertakers to repair Reservoir.

5. If, on any such Inquiry, the Justices are satisfied that there is good Cause of Complaint, but are not satisfied that the Reservoir is in such an imminently dangerous State as not to admit of Delay in removing the Cause of Complaint, they shall issue their Summons to the Undertakers to answer the Complaint; and upon hearing the Parties, the Justices may, or upon Default of Appearance of the Undertakers, then in their Absence, the Justices shall, order the Undertakers, within such Period as the Justices think reasonable and specify in the Order, to lower the Water in the Reservoir, and to execute and do all such Works and Things as the Justices think requisite and proper for removing the Cause of Complaint.

Order of Justices on Failure of Undertakers to repair.

If the Undertakers fail to execute or do within that Period any such Work or Thing, the Justices who made the Order, or any other Two Justices, on being satisfied of such Failure, may either order such Persons as the Justices think fit to enter on the Property of the Undertakers, and to lower the Water in the Reservoir, and to execute and do all such Works and Things as the Justices think requisite

requisite and proper for removing the Cause of Complaint; or may, if they think fit, by Order impose on the Undertakers a Penalty, not exceeding Ten Pounds, for every Day during which such Failure continues after the making of the Order imposing the Penalty.

Form of Order.

6. Any Order of Justices made in any of the Cases aforesaid shall be in Writing under their Hands, and may be in the Form set forth in the Schedule to this Act, with such Variations as Circumstances require.

Persons acting under Order not Trespassers.

7. Any Person acting under and in pursuance of any such Order shall not be deemed a Trespasser; and if any Person wilfully obstructs any Person lawfully acting in obedience to any such Order, or wilfully does, or instigates, or suffers to be done, anything in contravention thereof, he shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds.

Order for Payment of Costs and Expenses.

8. The Justices may order all, or such Part as they think fit, of the Costs of and incident to the applying for and obtaining of any such Order to be paid by the Undertakers, and also all, or such Part as the Justices think fit, of the Expenses of the Works and Things executed and done in pursuance of any such Order by any Person other than the Undertakers, to be paid by the Undertakers to such Person as the Justices appoint.

If the Justices before whom the Complaint is made think that there is no sufficient Ground for the Complaint, they may, if they think fit, order the Complainant to pay to the Undertakers the whole or any Part of their Costs of or incident to the Complaint.

Appeal by Undertakers.

9. If the Undertakers consider themselves aggrieved by any Order or Determination of Justices under the present Provisions, they may in like Manner and subject to the like Conditions as by The Railways Clauses Consolidation Act, 1845, are provided in the Case of Appeals in respect of Penalties, appeal to the Court of General or Quarter Sessions for the County or Place where the Cause of Appeal arises; and that Court may, on the Hearing of the Appeal, either affirm or quash the Order or Determination, or make such other Order in the Premises as may seem fit, and may make such Order as to the Costs, both of the original Proceedings and of the Appeal, as may seem fit; but the Order or Determination appealed against shall, pending the Appeal, continue in force.

Undertakers not to be responsible

10. Notwithstanding anything in the Special Act contained, the Undertakers shall not be liable to pay any Damages, Penalties, Costs, Charges,

for Consequences of Order.

Charges, or Expenses for or in respect of, or be answerable or accountable for, any Diminution or Cessation of the Supply of Water, or any other Breach or Nonperformance of their or any of their Duties, Liabilities, or Obligations under the Special Act, that may be occasioned by or result from the Execution of any such Order.

Provisions as to Scotland.

11. The present Provisions with respect to the Security of Reservoirs shall apply to England and Ireland; and they shall also apply to Scotland, subject to the following Variations, namely,—the Sheriff shall be deemed to be empowered thereby, as well as Two Justices; and the Appeal given shall lie from Two Justices in manner provided by Sections One hundred and fifty-one and One hundred and fifty-two of The Railways Clauses Consolidation (Scotland) Act, 1845, and shall lie from a Sheriff Substitute to the Sheriff Depute, where the Matter comes in the first instance before a Sheriff Substitute; and in that Case the Sheriff Depute shall hear and determine the Appeal, and may either confirm, recall, vary, or supersede the Order of the Sheriff Substitute as he thinks proper; and the Costs of the Appeal shall be in the Discretion of the Sheriff; and the Order or Judgment of the Sheriff in the Appeal shall be final.

Supply of Water.

And with respect to the Supply of Water to be furnished by the Undertakers, be it enacted as follows:

Definition of domestic Purposes.

12. A Supply of Water for domestic Purposes shall not include a Supply of Water for Horses, or for washing Carriages, where such Horses or Carriages are kept for Sale or Hire or by a Common Carrier, or a Supply for Cattle, or for any Trade, Manufacture, or Business, or for watering Gardens, or for Fountains, or for any ornamental Purpose.

Want of Supply for other than domestic Purposes, when excused.

13. Where the Undertakers are authorized by the Special Act to supply Water for other than domestic Purposes, they shall not be liable under the Special Act, or, in the Absence of express Stipulation, under any Agreement for the Supply of Water for other than domestic Purposes, to any Penalty or Damages for not supplying such Water, if the Want of such Supply arises from Frost, unusual Drought, or other unavoidable Cause or Accident.

Power to let Meters for Hire.

14. Where the Undertakers are authorized by the Special Act to supply Water by Measure, they may let for Hire to any Consumer of Water so supplied any Meter or Instrument for measuring the Quantity of Water supplied and consumed, and any Pipes and Apparatus

Apparatus for the Conveyance, Reception, or Storage of the Water, for such Remuneration in Money as may be agreed upon between them and the Consumer, which shall be recoverable in the same Manner as Rates due to the Undertakers for Water; and the Meters, Instruments, Pipes, and Apparatus shall not be subject to Distress or to the Landlord's Hypothec for Rent of the Premises where the same are used, or be attached or taken in Execution under any Process of any Court of Law or Equity, or under or in pursuance of any Adjudication or Order in Bankruptcy, or other legal Proceeding, against or affecting the Consumer of the Water or the Occupier of the Premises, or other the Person in whose Possession the Meters, Instruments, Pipes, and Apparatus may be.

Power for ascertaining Quantity consumed by Meter, and for removing Meters, &c.

15. The Officers of the Undertakers may enter any House, Building, or Lands to, through, or into which Water is supplied by them by Measure, in order to inspect the Meters, Instruments, Pipes, and Apparatus for the measuring, Conveyance, Reception, or Storage of Water, or for the Purpose of ascertaining the Quantity of Water supplied or consumed, and may from Time to Time enter any House, Building, or Lands, for the Purpose of removing any Meter, Instrument, Pipe, or Apparatus the Property of the Undertakers; and if any Person hinders any such Officer from entering or making such Inspection, or effecting such Removal, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds; but, except with the Consent of a Justice or the Sheriff, this Power of Entry shall be exercised only between the Hours of Ten in the Forenoon and Four in the Afternoon.

Protection of Water.

And with respect to the Waste or Misuse of the Water supplied by or belonging to the Undertakers, be it enacted as follows:

Power to cut off Water in certain Cases.

16. If any Person supplied with Water by the Undertakers wrongfully does or causes or permits to be done anything in contravention of any of the Provisions of the Special Act, or wrongfully fails to do anything which, under any of those Provisions, ought to be done for the Prevention of the Waste, Misuse, undue Consumption, or Contamination of the Water of the Undertakers, they may (without Prejudice to any Remedy against him in respect thereof) cut off any of the Pipes by or through which Water is supplied by them to him, or for his use, and may cease to supply him with Water, so long as the Cause of Injury remains or is not remedied.

Penalty for Waste, &c. of Water by Non-repair of Pipes, &c.

17. If any Person supplied with Water by the Undertakers wilfully or negligently causes or suffers any Pipe, Valve, Cock, Cistern, Bath, Soil-pan, Watercloset, or other Apparatus or Receptacle to be out of repair, or to be so used or contrived as that the Water supplied to him by the Undertakers is or is likely to be wasted, misused, unduly consumed, or contaminated, or so as to occasion or allow the return of foul Air, or other noisome or impure Matter, into any Pipe belonging to or connected with the Pipes of the Undertakers, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty for Application of Water contrary to Agreement.

18. If any Person—

First, not having from the Undertakers a Supply of Water for other than domestic Purposes, uses, for other than domestic Purposes, any Water supplied to him by the Undertakers; or

Secondly, having from the Undertakers a Supply of Water for any other than domestic Purposes, uses, for any Purposes other than those for which he is entitled to use the same, any Water supplied to him by the Undertakers,—

he shall for every such Offence be liable to a Penalty not exceeding Forty Shillings, without Prejudice to the Right of the Undertakers to recover from him the Value of the Water misused.

Penalty for Extension or Alteration of Pipes.

19. It shall not be lawful for the Owner or Occupier of any Premises supplied with Water by the Undertakers, or any Consumer of the Water of the Undertakers, or any other Person, to affix or cause or permit to be affixed any Pipe or Apparatus to a Pipe belonging to the Undertakers, or to a Communication or Service Pipe belonging to or used by such Owner, Occupier, Consumer, or other Person, or to make any Alteration in any such Communication or Service Pipe, or in any Apparatus connected therewith, without the Consent in every such Case of the Undertakers; and if any Person acts in any respect in contravention of the Provisions of the present Section, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, without Prejudice to the Right of the Undertakers to recover Damages from him in respect of any Injury done to their Property, and without Prejudice to their Right to recover from him the Value of any Water wasted, misused, or unduly consumed.

Penalty for use of Water without Agreement.

20. If any Person, not being supplied with Water by the Undertakers, wrongfully takes or uses any Water from any Reservoir, Watercourse, Conduit, or Pipe belonging to the Undertakers, or from any Pipe leading to or from any such Reservoir, Watercourse, Conduit, or Pipe, or from any Cistern or other like Place containing Water belonging to the Undertakers, or supplied by them for the Use of any Consumer

Consumer of the Water of the Undertakers, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Recovery of Rates.

And with respect to the Recovery of Water Rates and other Money, be it enacted as follows:

Recovery of Rate by Action.

21. If any Person refuses or neglects to pay to the Undertakers any Rate or Sum due to them under the Special Act, they may recover the same, with Costs, in any Court of competent Jurisdiction; and their Remedy under the present Section shall be in addition to their other Remedies for the Recovery thereof.

SCHEDULE.

Form of Order of Justices.

To *A.B.* of &c.

We the undersigned, Two of Her Majesty's Justices of the Peace acting for the [County] of do hereby order and direct you [and such Person and Persons as you may require to aid and assist you herein,] forthwith to lower the Water in the [*here describe the Reservoir and the Extent to which the Water is to be lowered*], and to do all such Works and Things as are requisite to repair and make secure the said Reservoir [and you shall do as little Injury as possible to the Property of the and for acting as you are hereby directed this shall be your sufficient Warrant].

Given under our Hands this Day of One thousand eight hundred and

A.B.
C.D.

Waterworks Clauses.

A

BILL

[AS AMENDED IN COMMITTEE]

For consolidating in One Act certain Provisions frequently inserted in Acts relating to Waterworks.

(*Prepared and brought in by Mr. Milner Gibson and Mr. Hutt.*)

Ordered, by The House of Commons, *to be Printed*, 9 *July* 1863.

[Bill 222.]

Under 1 *oz.*

LORDS AMENDMENTS

TO THE

WATERWORKS CLAUSES BILL.

Note.—*The Page and Line refer to the Bill* (239.) *as first printed by the Lords.*

Page 4.

Line 22. After ("follows") insert Clause A.

Clause A. A Supply of Water for domestic Purposes shall not include a Supply of Water for Cattle, or for Horses, or for washing Carriages, where such Horses or Carriages are kept for Sale or Hire or by a Common Carrier, or a Supply for any Trade, Manufacture, or Business, or for watering Gardens, or for Fountains, or for any ornamental Purpose.

Line 25. Leave out ("under the Special Act or")

[Bill 271.]

LORDS AMENDMENTS

TO THE

WATERWORKS CLAUSES BILL.

Ordered, by The House of Commons, *to be Printed,*
24 *July* 1863.

[Bill 271.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act to prevent Waywardens contracting for Works within their own District.

[Note.—*The Clause printed in Red Ink is proposed to be added in Committee.*]

WHEREAS it is expedient that Waywardens appointed under an Act passed in the last Session of Parliament, intituled "An Act for the better Management of High-"ways in England," should be prevented from contracting for any Works to be executed under the said Act within their own Districts: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. No such Waywarden shall directly or indirectly, in his own Name or in the Name of any other Person or Persons, contract for the Repair of any Road, or for any other Work to be executed under the Provisions of the said recited Act within the Parish for which he is elected Waywarden, or within any other Parish in the same District, under the Pain of forfeiting the Sum of Ten Pounds, with full Costs Waywardens not to be concerned in any Contracts within their own Districts.

Costs of Suit, to any Person or Persons who shall sue for the same by Action for Debt in any County Court within the Jurisdiction of which the Parish in which the Roads to be repaired, or the other Work so contracted for, is situate.

Highway Boards not liable to pay for any Work so contracted for.

It shall not be lawful for any Highway Board to pay knowingly for any Repair or Work so contracted for, and any Money paid by any Board under any such Contract shall be recoverable by them with full Costs from the Person or Persons to whom the same shall have been paid, by Action of Debt in any of Her Majesty's Courts of Record at Westminster, if the same shall amount to above Fifty Pounds, or in any County Court as aforesaid if below that Amount, and the Balance so recovered, after paying all Expenses, shall be placed to the Credit of the District Fund.

Construction of Act.

2. This Act shall be construed with and held to be Part of the said recited Act for the better Management of Highways in England.

A

B I L L

FOR

Decimalising our existing System of Weights and Measures, and for establishing an Accordance between them and those of Foreign Countries.

WHEREAS, for the Promotion and Extension of our internal as well as our foreign Trade, it is expedient that the Weights and Measures of the United Kingdom should be decimalised and made to correspond with those of other Countries: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. From and after the Expiration of *Three* Years after the *passing of this Act*, the Unit of the Measure of Length or Lineal Extension shall in all Cases consist of *Thirty-nine Inches and Thirty-seven thousand and seventy-nine hundred thousandth Parts of an Inch* of the Imperial Standard Measure, and shall be and is hereby denominated the New Yard, or the "Metre," wherefrom or whereby all other Measures of Extension whatsoever, whether the same be lineal, superficial, or solid, shall be derived, computed, and ascertained, Measure of Length.

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and all Measures of Length shall be taken in Multiples or Decimal Parts of the said New Yard or "Metre."

Superficial and Land Measure.

2. The Unit of the Measure of Surface shall be the Square of the New Yard, except that the Square of *One hundred* New Yards shall be the Unit of Land Measure, and shall be and is hereby denominated the New Acre or the "Hectare," and all superficial and Land Measures shall be taken in Multiples and Decimal Parts of the said Units.

Measures of Capacity.

3. The Unit of the Measure of Capacity, as well for Liquids as for Dry Goods, shall be the Cube of a Tenth of the New Yard, and the same shall be and is hereby denominated the New Quart, or the "Litre," and all Measures of Capacity shall be taken in Multiples and Decimal Parts of the said New Quart.

Measure of Weight.

4. The Unit of Weight shall be the Weight of a New Quart of distilled Water, and the same shall be and is hereby denominated the "Kilogram," the Half of which shall be the New Pound, consisting of *One Pound, One Ounce, Three Drams, and Three hundred and twenty-six thousandth Parts* of a Dram Avoirdupois; and all Measures of Weight shall be taken in Multiples and Decimal Parts of the said Kilogram; the Thousandth Part of the same shall be called the "Gram," which, with its Decimal Parts and Multiples, shall be used for weighing Bullion and Precious Stones, and for the Purposes of Pharmacy.

Use of subordinate Weights and Divisions.

5. For the more convenient Subdivision of Weights and Measures, it shall be lawful to use the Double and the Half of all the said Units and their principal Decimal Divisions and Multiples, as well as any other subordinate Divisions which the Committee of the Privy Council for Trade may deem expedient.

Metric Weights and Measures.

6. The said Weights and Measures hereby established shall be and are hereby denominated the Standard Metric Weights and Measures.

Copies and Models to be made, and deposited in certain Places.

7. Standards of the said New Yard, or the "Metre," the said New Quart, or the "Litre," and the said Kilogram, and of the respective Multiples and Decimal Parts, shall be made under the Direction of the Committee of the Privy Council for Trade, and the same shall be duly verified by Comparison with the Standards in Paris, and Copies and Models of the same Standards shall be sent to the Lord Mayors of London and Dublin, to the Lord Provost of Edinburgh, and to all

all Counties, Shires, Stewartries, Ridings, Divisions, Cities, Towns, Liberties, and Places in which by Law Copies and Models of the Standard Imperial Weights and Measures are or are required to be kept, and to such other Places and Persons as the President of the Committee of the Privy Council for Trade may from Time to Time direct.

Magistrates, &c. may provide Copies of Metric Weights and Measures for Reference.

8. All Judges, Magistrates, and other Person or Persons who now are or shall hereafter be authorized by Law to order or provide Copies of the present Imperial Standard Weights and Measures shall at all Times hereafter have like Power and Authority in every respect to order or provide Copies of the Standard Metric Weights and Measures, and to charge the Expenses thereof upon the Fund or Funds, Money or Monies, that would have been liable in case it had been Copies of Imperial Weights and Measures that had been ordered or provided.

Provisions regarding Imperial Weights and Measures to apply to Metric Weights and Measures.

9. All and every the Provisions and Provision which are by Law in force with respect to the Inspection, Verification, Reverification, stamping, counterfeiting, and Modes of Conviction, with the Penalty or Penalties relating thereto, of the present Imperial Standard Weights and Measures, shall apply to and be in force with regard to the Metric Weights and Measures in every respect as if the Standard Metric Weights and Measures were comprised in and designated by the Imperial Weights and Measures in the Acts relating to such Inspection, Verification, Reverification, stamping, counterfeiting, and Modes of Conviction, and the Penalty or Penalties relating thereto as aforesaid.

Three Years after the passing of the Act, Imperial and local Weights and Measures abolished.

10. From and after the Expiration of *Three* Years from the passing of this Act, the Imperial and all local or customary Weights and Measures shall be abolished, and every Person who shall sell by any Denomination of Weights and Measures other than those of the Metric Weights and Measures, or such Multiples or Parts thereof as are authorized by this Act, shall, on Conviction, be liable to a Penalty not exceeding the Sum of *Forty Shillings* for every such Sale.

Penalty on Price Lists, &c. denoting other Weights and Measures.

11. From and after the Expiration of *Three* Years after the passing of this Act, if any Person or Persons shall print, or if the Clerk of any Market or other Person shall make any Return, Price List, Price Current, or any Journal or other Paper containing Price List or Price Current, in which the Denomination of Weights and Measures quoted or referred to shall denote or imply a greater or less Weight or Measure than is denoted or implied by the same

Denomination of the Metric Weights and Measures under and according to the Provisions of this Act, such Person or Persons or Clerk of the Market shall forfeit and pay any Sum not exceeding *Ten Shillings* for every Copy of every such Return, Price List, Price Current, Journal, or other Paper which he or they shall publish.

Tables of Equalization to be made and constructed.

12. As soon as conveniently may be after the *passing of this Act*, accurate Tables shall be prepared and published under the Authority of the Committee of Privy Council for Trade, showing the Proportions between the Imperial Weights and Measures heretofore in Use and the Metric Weights and Measures hereby established, with such other Conversions of Weights and Measures as the said Committee of the Privy Council for Trade may deem necessary, and after the Publication of such Tables all future Payments to be made shall be regulated according to such Tables.

Tables to be constructed for the Collection of the Customs and Excise.

13. And whereas the Weights and Measures by which the Rates and Duties of the Customs and Excise, and other Her Majesty's Revenue, have been heretofore collected, are different from the Metric Weights and Measures directed by this Act to be used: It is hereby enacted, That so soon as conveniently may be after the *passing of this Act*, accurate Tables shall be prepared and published under the Direction of the said Committee of the Privy Council for Trade, in order that the several Rates and Duties of Customs and Excise and other Her Majesty's Revenue may be adjusted and made payable according to the respective Quantities of the legal Standards directed by this Act to be used, and that on the Expiration of *Three* Years after the passing of this Act the several Rates and Duties thereafter to be collected by any of the Officers of Her Majesty's Customs or Excise, or other Her Majesty's Revenue, shall be collected and taken according to the Calculations in the Tables to be prepared as aforesaid.

Permissive Use of the new or Metric Weights and Measures.

14. From and after the Expiration of *Three* Months after the passing of this Act, and until the Use of the Metric Weights and Measures shall be made compulsory, the said Metric Weights and Measures shall be deemed and taken to be legal Weights and Measures, and as such may be used for all Purposes whatsoever.

A

B I L L

TO

Prohibit the Issue of Writs for Actions of Debt in the Superior Courts for Sums of less than Twenty Pounds.

WHEREAS it is desirable to protect Debtors from being sued in the Superior Courts of Common Law for Sums not exceeding Twenty Pounds: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. That it shall not be lawful for any Person to take out a Writ or Summons in an Action for the Recovery of a Debt in the Superior Courts of Common Law where the Debt claimed shall be less than Twenty Pounds, unless by the Leave of One of the Judges of Her Majesty's Superior Courts of Common Law at Westminster, upon such Terms as to Payment of Costs, giving Security for Costs, or otherwise, as the Judge shall think fit. In Actions for Debt no Writ to be issued in the Superior Courts for Sums of less than 20*l.* unless by Leave of Judge.

2. In all Cases where the Plaintiff dwells more than *Twenty* Miles from the Defendant, or where the Cause of Action does not arise wholly or in some material Point within the Jurisdiction of the Court within which the Defendant resides or carries on his Business at the Time of In certain Cases Plaintiff may bring his Action in County Court.

the Action brought, such Plaintiff may bring his Action in the County Court within the Jurisdiction of which he either resides or carries on Business, upon giving Security to the Registrar of the said County Court for the Costs of the Defendant, not exceeding in the whole the Sum of *Ten Pounds*.

(No. 2.)

A

B I L L

TO

Prohibit the Issue of Writs for Actions of Debt in the Superior Courts for Sums not exceeding Twenty Pounds.

WHEREAS it is desirable to protect Debtors from being sued in the Superior Courts of Common Law for Sums not exceeding Twenty Pounds: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. That it shall not be lawful for any Person to take out a Writ of Summons in an Action for the Recovery of a Debt in the Superior Courts of Common Law where the Debt claimed shall not exceed Twenty Pounds, unless by the Leave of One of the Judges of Her Majesty's Superior Courts of Common Law at Westminster, upon such Terms as to Payment of Costs, giving Security for Costs, or otherwise, as the Judge shall think fit, nor in the Court of Common Pleas of Lancaster and Durham. In Actions for Debt no Writ to be issued in the Superior Courts for Sums not exceeding 20*l.* unless by Leave of Judge.

2. In all Cases where the Plaintiff dwells more than *Twenty* Miles from the Defendant, or where the Cause of Action did not arise wholly or in some material Point within the Jurisdiction of the Court within In certain Cases Plaintiff may bring his Action

in County Court.

which the Defendant dwells or carries on his Business at the Time of the Action brought, such Plaintiff may, if he does not claim a Sum exceeding *Fifty Pounds*, bring his Action in the County Court within the Jurisdiction of which he either dwells or carries on Business, upon giving Security to the Registrar of the said County Court, either with or without Sureties, as to the Registrar may seem requisite, for the Costs of the Defendant, not exceeding in the whole the Sum of *Ten Pounds*.

In Action in County Courts for Debt not less than 2*l*. Plaintiff may issue Summons, and if Defendant shall not give Notice of Intention to defend, Judgment may be entered up.

3. In any Action in a County Court for a Debt or a liquidated Money Demand not less than *Forty Shillings* the Plaintiff may, at his Option, cause to be issued a Summons in the ordinary Form or in the Form contained in the Schedule (B.), and numbered One, to the Act passed in the Session of Parliament holden in the Nineteenth and Twentieth Years of the Reign of Her Majesty, Chapter One hundred and eight, and if such last-mentioned Summons be issued it shall be personally served on the Defendant *Twelve* clear Days at the least before the Return Day thereof, and then, if the Defendant shall not, at least *Six* clear Days before such Return Day, give Notice in Writing signed by himself, his Attorney or Agent, to the Registrar of the Court from which the Summons issued, of his Intention to defend, the Plaintiff may, in or within *One Month* after such Return Day, without giving any Proof of his Claim, have Judgment entered up against the Defendant for the Amount of his Claim and Costs, such Costs to be taxed by the Registrar; and the Order upon such Judgment shall be for Payment forthwith, or at such Time or Times and by such Instalments, if any, as the Plaintiff or his Attorney or Agent shall in Writing have consented to take at the Time of the Entry of the Plaint.

Writs Prohibition (No. 2.)

A

BILL

To prohibit the Issue of Writs for Actions of Debt in the Superior Courts for Sums not exceeding Twenty Pounds.

(*Prepared and brought in by Mr. Edward Pleydell Bouverie and Mr. Hardcastle.*)

Ordered, by The House of Commons, *to be Printed,* 17 *March* 1863.

[Bill 62.]

Under 1 *oz.*

A TABLE, AND INDEX,

OF THE

PUBLIC GENERAL ACTS

Passed in the Fifth Session of the 18th Parliament of the United Kingdom of *Great Britain* and *Ireland*.

26° & 27° VICT.—5 *February*——28 *July* 1863.

THE TABLE.

26° & 27° VICT.

Cap.		*Royal Assent.*
I.	AN ACT to enable Her Majesty to provide for the Establishment of His Royal Highness the Prince of *Wales* and Her Royal Highness the Princess *Alexandra* of *Denmark*, and to settle certain Annuities on Her Royal Highness - - - - - - - - - - - - -	5 March.
II.	AN ACT to make Provision concerning Bills of Exchange and Promissory Notes payable in the Metropolis on the Day appointed for the Passage through the Metropolis of Her Royal Highness the Princess *Alexandra* of *Denmark* - - - - - - - - - - - -	5 March.
III.	AN ACT to extend the Credit for Payment of a Portion of the Excise Duty on Malt - - - - - - - - - - - - -	27 March.
IV.	AN ACT to extend for a further Period the Provisions of the Union Relief Aid Act of the last Session - - - - - - - - - -	27 March.
V.	AN ACT to amend the Law relating to the Royal Naval Coast Volunteers - - - - - - - - - - - - - - -	27 March.
VI.	AN ACT to apply the Sum of Ten Millions out of the Consolidated Fund to the Service of the Year One thousand Eight hundred and Sixty-three - - - - - - - - - - - - - - - -	27 March.
VII.	AN ACT for altering the Duties on Tobacco, and permitting the Manufacture of Cavendish and Negrohead in Bond - - - - -	27 March.
VIII.	AN ACT for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters - - - - - - - -	20 April.
IX.	AN ACT for the Regulation of Her Majesty's Royal Marine Forces while on Shore - - - - - - - - - - - - - -	20 April.
X.	AN ACT for prohibiting the Exportation of Salmon at certain Times	20 April.
XI.	AN ACT for the Registration of Births and Deaths in *Ireland* -	20 April.
XII.	AN ACT to abolish the Office of Secretary at War, and to transfer the Duties of that Office to One of Her Majesty's Principal Secretaries of State - - - - - - - - - - - - - - -	4 May.
XIII.	AN ACT for the Protection of certain Garden or Ornamental Grounds in Cities and Boroughs - - - - - - - - - - -	4 May.

Cap.		*Royal Assent.*
XIV.	AN ACT to amend the Law relating to Post Office Savings Banks	4 May.
XV.	AN ACT to apply the Sum of Twenty Millions out of the Consolidated Fund to the Service of the Year One thousand Eight hundred and Sixty-three	11 May.
XVI.	AN ACT for raising the Sum of One Million Pounds by Exchequer Bonds for the Service of the Year One thousand Eight hundred and Sixty-three	11 May.
XVII.	AN ACT for amending the Local Government Act (1858)	11 May.
XVIII.	AN ACT to authorise the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for *England* and *Wales*	11 May.
XIX.	AN ACT to amend the Law relative to the Sale of Hares in *Ireland*	8 June.
XX.	AN ACT to further limit and define the Time for proceeding to election during the Recess	8 June.
XXI.	AN ACT to amend the Law enabling Boards of Guardians to recover Costs of Maintenance of illegitimate Children in certain Cases in *Ireland*	8 June.
XXII.	AN ACT to grant certain Duties of Customs and Inland Revenue	8 June.
XXIII.	AN ACT to alter the Boundaries of *New Zealand*	8 June.
XXIV.	AN ACT to facilitate the Appointment of Vice Admirals and of Officers in Vice Admiralty Courts in Her Majesty's Possessions Abroad, and to confirm the past Proceedings, to extend the Jurisdiction, and to amend the Practice of those Courts	8 June.
XXV.	AN ACT to make further Provision for the Investment of the Monies received by the Commissioners for the Reduction of the National Debt from the Trustees of Savings Banks established under the Enactments of the Act Ninth *George* the Fourth, Chapter Ninety-two	8 June.
XXVI.	AN ACT to facilitate the Drainage of Land in *Ireland*	8 June.
XXVII.	AN ACT to amend the Law relating to Marriages in *Ireland*	8 June.
XXVIII.	AN ACT to give further facilities to the Holders of the Public Stocks	8 June.
XXIX.	AN ACT to amend and continue the Law relating to Corrupt Practices at Elections of Members of Parliament	8 June.
XXX.	AN ACT to authorise further Harbour Regulations for the Protection of Her Majesty's Ships, Dockyards, and Naval Stations	22 June.
XXXI.	AN ACT for the Government of the *Cayman* Islands	22 June.
XXXII.	AN ACT to confirm certain Provisional Orders under the Local Government Act (1858) relating to the Districts of *Basford, Teignmouth, Kingston-upon-Hull, Nottingham, Bradford, Ryde, Bedford, Croydon, Batley, Berwick-upon-Tweed, Sheerness,* and *Bromsgrove*	29 June.
XXXIII.	AN ACT for granting to Her Majesty certain Duties of Inland Revenue, and to amend the Laws relating to the Inland Revenue	29 June.
XXXIV.	AN ACT to carry into effect an additional Article to the Treaty of the Seventh day of April One thousand Eight hundred and Sixty-two, between Her Majesty and the United States of *America*, for the Suppression of the *African* Slave Trade	29 June.
XXXV.	AN ACT for the Prevention and Punishment of Offences committed by Her Majesty's Subjects in *South Africa*	29 June.

Cap.		Royal Assent.
XXXVI.	AN ACT for carrying into effect the Report of the Commissioners appointed to inquire into the State of the Dioceses of *Canterbury*, *London*, *Winchester*, and *Rochester*, and for other Purposes - - -	9 June.
XXXVII.	AN ACT to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland*; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorise the Employment of the Non-commissioned Officers - - - - - - - - - -	29 June.
XXXVIII.	AN ACT to amend the Act for placing the Employment of Women, Young Persons, and Children in Bleaching Works and Dyeing Works under the Regulations of the Factories Act - - - - -	29 June.
XXXIX.	AN ACT to authorise the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners - - -	13 July.
XL.	AN ACT for the Regulation of Bakehouses - - - - -	13 July.
XLI.	AN ACT to amend the Law respecting the Liability of Innkeepers, and to prevent certain Frauds upon them - - - - - - -	13 July.
XLII.	AN ACT to amend the Act of the Twentieth and Twenty-first Years of *Victoria*, authorising the Sale of Mill Sites and Water Powers by the Commissioners of Public Works in *Ireland* - - - - -	13 July.
XLIII.	AN ACT to enable Her Majesty's Postmaster General to sell and otherwise dispose of Land - - - - - - - - -	13 July.
XLIV.	AN ACT for the further Security of the Persons of Her Majesty's Subjects from personal Violence - - - - - - - -	13 July.
XLV.	AN ACT for making a new Street from *Blackfriars* to the *Mansion House* in the City of *London* in connexion with the Embankment of the River *Thames* on the Northern Side of that River, and for other Purposes - - - - - - - - - - - - -	13 July.
XLVI.	AN ACT for further continuing and appropriating the *London* Coal and Wine Duties - - - - - - - - - - -	13 July.
XLVII.	AN ACT for removing Doubts as to the Powers of the Courts of the Church of *Scotland*, and extending the Powers of the said Courts -	13 July.
XLVIII.	AN ACT to repeal the Act of the Twentieth and Twenty-first Years of Her Majesty, Chapter Sixty-six, for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India* Company, and for regulating in such Service the Payment of Regimental Debts, and the Distribution of the Effects of Officers and Soldiers dying in the Service	13 July.
XLIX.	AN ACT giving Power to sell and dispose of Lands, Parcel of the Possessions of the Duchy of *Cornwall*, and to purchase other Lands to be annexed thereto, and to regulate future Grants of Leases of the Possessions of the said Duchy, and for other Purposes - - - - -	13 July.
L.	AN ACT to continue the Powers of the Commissioners under the Salmon Fisheries (*Scotland*) Act until the First day of January One thousand eight hundred and sixty-five, and to amend the said Act - - -	13 July.
LI.	AN ACT to amend the Passengers Act, 1855 - - - -	13 July.
LII.	AN ACT to further extend and make compulsory the Practice of Vaccination in *Ireland* - - - - - - - - - - -	13 July.
LIII.	AN ACT to suspend the making of Lists and the Ballots for the Militia of the United Kingdom - - - - - - - - -	13 July.
LIV.	AN ACT for vesting in Her Majesty's Principal Secretary of State for the War Department certain Lands and Hereditaments at *Walmer*, in the County of *Kent* - - - - - - - - - - -	13 July.
LV.	AN ACT to continue the Poor Law Board for a limited Period -	21 July.
LVI.	AN ACT to make perpetual an Act to amend the Laws relating to Loan Societies - - - - - - - - - - -	21 July.

Cap.		Royal Assent.
LVII.	AN ACT to consolidate and amend the Acts relating to the Payment of Regimental Debts, and the Distribution of the Effects of Officers and Soldiers in case of Death, and to make like Provision for the Cases of Desertion and Insanity, and other Cases	21 July.
LVIII.	AN ACT for confirming a Scheme of the Charity Commissioners for the Management of the Charity of Sir *Robert Hitcham*, Knight, King's Serjeant, for the Benefit of *Framlingham*, *Debenham*, and *Levington*, in the County of *Suffolk*, and of *Coggeshall*, in the County of *Essex*	21 July.
LIX.	AN ACT for confirming a Scheme of the Charity Commissioners for the Management of the Charities in the Borough of *Ruthin*, in the County of *Denbigh*, comprising the Hospital of *Christ* and its subsidiary Endowments, the Grammar School, *Edward Lloyd*'s Foundation, and Bishop *Goodman*'s Charity	21 July.
LX.	AN ACT to confirm a certain Provisional Order under the General Police and Improvement (*Scotland*) Act, 1862, relating to the Burgh of *Leith*	21 July.
LXI.	AN ACT to prevent Waywardens contracting for Works within their own District	21 July.
LXII.	AN ACT to amend the Law relating to the Seizure of growing Crops in *Ireland*	21 July.
LXIII.	AN ACT to confirm certain Provisional Orders under "The Land Drainage Act, 1861"	21 July.
LXIV.	AN ACT to confirm certain Provisional Orders under the Local Government Act (1858), relating to the Districts of *Plymouth*, *Holywell*, *Llanelly*, *West Ham*, *Worthing*, *Aberavon*, and *Wallasey*	21 July.
LXV.	AN ACT to consolidate and amend the Acts relating to the Volunteer Force in *Great Britain*	21 July.
LXVI.	AN ACT to amend the Law relating to Prisons in *Ireland*	21 July.
LXVII.	AN ACT to enable Provision to be made out of the Funds of *Greenwich Hospital* for the Widows of Seamen and Marines slain, killed, or drowned in the Sea Service of the Crown	21 July.
LXVIII.	AN ACT to extend the Powers of the Act relating to the Main Drainage of the Metropolis	21 July.
LXIX.	AN ACT to establish Officers of the Royal Naval Reserve	21 July.
LXX.	AN ACT to facilitate the Execution of Public Works in certain Manufacturing Districts; to authorise for that Purpose Advances of Public Money to a limited Amount upon Security of Local Rates; and to shorten the Period for the Adoption of "The Local Government Act, 1858," in certain Cases	21 July.
LXXI.	AN ACT for the Preservation and Improvement of *Harwich* Harbour	28 July.
LXXII.	AN ACT for the further Improvement of the Harbour of *Howth*	28 July.
LXXIII.	AN ACT to give further Facilities to the Holders of *India* Stock	28 July.
LXXIV.	AN ACT to enable Her Majesty to declare Gold Coins to be issued from Her Majesty's Branch Mint at *Sydney*, *New South Wales*, a legal Tender for Payments; and for other Purposes relating thereto	28 July.
LXXV.	AN ACT for the Embankment of Part of the River *Thames*, on the South Side thereof, in the Parish of *Saint Mary*, *Lambeth*; and for other Purposes	28 July.
LXXVI.	AN ACT to determine the Time at which Letters Patent shall take effect in the Colonies	28 July.
LXXVII.	AN ACT to amend the Law relating to the Jurisdiction of Justices residing or being out of the County for which they are Justices	28 July.
LXXVIII.	AN ACT to amend the Acts relating to the Turnpike Roads in the Neighbourhood of the Metropolis North of the River *Thames*	28 July.

Cap.		Royal Assent.
LXXIX.	AN ACT for the Amendment of the Law relating to the Religious Instruction of Prisoners in County and Borough Prisons in *England* and *Scotland* - - - - - - - - - - - -	28 July.
LXXX.	AN ACT for providing a further Sum towards defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenals and Dockyards and the Ports of *Dover* and *Portland*, and of erecting a Central Arsenal - - - - - - - - - - -	28 July.
LXXXI.	AN ACT to amend, so far as regards Advances for the Purposes of "The Harbours and Passing Tolls, &c. Act, 1861," certain of the Acts authorising the Advance of Money out of the Consolidated Fund for carrying on Public Works and Fisheries and Employment of the Poor -	28 July.
LXXXII.	AN ACT to empower the Bishops of *Welsh* Dioceses to facilitate the making Provision for *English* Services in certain Parishes in *Wales* - - - - - - - - - - - - - -	28 July.
LXXXIII.	AN ACT to define the Boundaries of the Colony of *British Columbia*, and to continue an Act to provide for the Government of the said Colony - - - - - - - - - - - - - - -	28 July.
LXXXIV.	AN ACT to confirm certain Acts of Colonial Legislatures -	28 July.
LXXXV.	AN ACT to give Relief to Persons who may refuse or be unwilling, from alleged conscientious Motives, to be sworn in Criminal Proceedings in *Scotland* - - - - - - - - - -	28 July.
LXXXVI.	AN ACT to authorise the taking of Harbour Dues at *Port Erin* in the *Isle of Man*, in order to provide a Fund for the Improvement of the Harbour; and for other Purposes - - - - - - - -	28 July.
LXXXVII.	AN ACT to consolidate and amend the Laws relating to Savings Banks - - - - - - - - - - - - -	28 July.
LXXXVIII.	AN ACT to enable Landed Proprietors to construct Works for the Drainage and Improvement of Lands in *Ireland* - - -	28 July.
LXXXIX.	AN ACT for the further Amendment of the Law relating to the Removal of poor Persons, Natives of *Ireland*, from *England* - -	28 July.
XC.	AN ACT to provide for the Registration of Marriages in *Ireland* -	28 July.
XCI.	AN ACT to extend for a further Period the Provisions of the Union Relief Aid Acts - - - - - - - - - - - -	28 July.
XCII.	AN ACT for consolidating in One Act certain Provisions frequently inserted in Acts relating to Railways - - - - - - -	28 July.
XCIII.	AN ACT for consolidating in One Act certain Provisions frequently inserted in Acts relating to Waterworks - - - - - -	28 July.
XCIV.	AN ACT to amend the Law relating to the Repair of Turnpike Roads in *England*, and to continue certain Turnpike Acts in *Great Britain*	28 July.
XCV.	AN ACT for continuing various expiring Acts - - - - -	28 July.
XCVI.	AN ACT to amend the Petty Sessions (*Ireland*) Act (1851), and the Petty Sessions Clerks (*Ireland*) Act (1858) - - - - - -	28 July.
XCVII.	AN ACT to enable Cities, Towns, and Boroughs of Twenty-five thousand Inhabitants and upwards to appoint Stipendiary Magistrates -	28 July.
XCVIII.	AN ACT to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts - - - - - - - - -	28 July.
XCIX.	AN ACT to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and sixty-three, and to appropriate the Supplies granted in this Session of Parliament - - - - - - - - - - -	28 July.
C.	AN ACT to render Owners of Dogs in *Scotland* liable in certain Cases for Injuries done by their Dogs to Sheep and Cattle - - - -	28 July.
CI.	AN ACT to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes - - - - -	28 July.
CII.	AN ACT to reduce the Duty on Rum in certain Cases - - -	28 July.

Cap.		Royal Assent.
CIII.	AN ACT to amend the Law in certain Cases of Misappropriation by Servants of the Property of their Masters	28 July.
CIV.	AN ACT for confirming certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to *Blackpool*, *Deal* and *Walmer*, *Exmouth*, *Rosehearty*, *Ilfracombe*, *Instow*, *Bangor*, *Chatham*, *Bray*, *Dartmouth*, and *Nairn*	28 July.
CV.	AN ACT to remove certain Restrictions on the Negotiation of Promissory Notes and Bills of Exchange under a limited Sum	28 July.
CVI.	AN ACT to further amend the Law relating to the Conveyance of Land for Charitable Uses	28 July.
CVII.	AN ACT to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively	28 July.
CVIII.	AN ACT to extend and make compulsory the Practice of Vaccination in *Scotland*	28 July.
CIX.	AN ACT for remedying certain Defects in the Law relating to the Removal of Prisoners in *Scotland*	28 July.
CX.	AN ACT to amend the Lunacy Acts in relation to the building of Asylums for Pauper Lunatics	28 July.
CXI.	AN ACT to amend "The Naval Medical Supplemental Fund Society Winding-up Act, 1861"	28 July.
CXII.	AN ACT to regulate the Exercise of Powers under Special Acts for the Construction and Maintenance of Telegraphs	28 July.
CXIII.	AN ACT to prohibit the Sale and Use of poisoned Grain or Seed	28 July.
CXIV.	AN ACT to amend the Laws relating to Fisheries in *Ireland*	28 July.
CXV.	AN ACT to explain the Act for the Amendment of the Law relative to gratuitous Trustees in *Scotland*	28 July.
CXVI.	AN ACT to provide for the Appointment of Navy Prize Agents, and respecting their Duties and Remuneration	28 July.
CXVII.	AN ACT to amend the Nuisances Removal Act for *England*, 1855, with respect to the Seizure of diseased and unwholesome Meat	28 July.
CXVIII.	AN ACT for consolidating in One Act certain Provisions frequently inserted in Acts relating to the Constitution and Management of Companies incorporated for carrying on Undertakings of a public Nature	28 July.
CXIX.	AN ACT to prevent false Representations as to Grants of Medals or Certificates made by the Commissioners for the Exhibitions of 1851 and 1862	28 July.
CXX.	AN ACT for the Augmentation of certain Benefices, the Right of Presentation to which is vested in the Lord Chancellor	28 July.
CXXI.	AN ACT to establish the Validity of Acts performed in Her Majesty's Possessions Abroad by certain Clergymen ordained in Foreign Parts, and to extend the Powers of Colonial Legislatures with respect to such Clergymen	28 July.
CXXII.	AN ACT to enable Her Majesty in Council to make Alterations in the Circuits of the Judges	28 July.
CXXIII.	AN ACT to amend the Law relating to District Parochial Churches in *Ireland*	28 July.
CXXIV.	AN ACT for the more effectual Condensation of Muriatic Acid Gas in Alkali Works	28 July.
CXXV.	AN ACT for promoting the Revision of the Statute Law by repealing certain Enactments which have ceased to be in force or have become unnecessary	28 July.

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TO THE

PUBLIC GENERAL ACTS, 26° & 27° VICT., 1863:

SHOWING

Whether they relate to the WHOLE or to any PART of the UNITED KINGDOM;

VIZ.

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(S.) - - -	SCOTLAND.
(I.) - - -	IRELAND.
(E. & I.) - -	ENGLAND AND IRELAND.
(G. B.) - -	GREAT BRITAIN.
(G. B. & I.) -	GREAT BRITAIN AND IRELAND.
(U. K.) - -	THE WHOLE OF THE UNITED KINGDOM.

A.

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Coggeshall. *See* Hitcham's Charity.		
Colonial Acts Confirmation; to confirm certain Acts of Colonial Legislatures - - - - - - - - - - - -	(U. K.)	84.
Colonial Clergy; to establish the Validity of Acts performed in Her Majesty's Possessions Abroad by certain Clergymen ordained in Foreign Parts, and to extend the Powers of Colonial Legislatures with respect to such Clergymen - - - - - - - -	(U. K.)	121.
Colonial Letters Patent; to determine the Time at which Letters Patent shall take effect in the Colonies - - - - - -	(U. K.)	76.
Commissioners of Land Tax; to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes - - - - - - - - - - - - -	(G. B.)	101.
Commissioners for Reduction of the National Debt. *See* Savings Banks.		
Commons Inclosure; to authorise the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales - - - - - - - - - - - - -	(E.)	18.
———— to authorise the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners -	(E.)	39.

		Cap.
Companies, Acts relating to; for consolidating in One Act certain Provisions frequently inserted in Acts relating to the Constitution and Management of Companies incorporated for carrying on Undertakings of a public Nature - - - - - - - - -	(G. B. & I.)	118.
Condensation of Muriatic Acid Gas. *See* Alkali Works.		
Consolidated Fund; to apply the Sum of 10,000,000 *l.* out of the Consolidated Fund to the Service of the Year 1863 - - - -	(U. K.)	6.
——————— to apply the Sum of 20,000,000 *l.* out of the Consolidated Fund to the Service of the Year 1863 - - - -	(U. K.)	15.
——————— to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year 1863, and to appropriate the Supplies granted in the Session of 1863 -	(U. K.)	99.
——————— *See* also Public Works.		
Consolidation Clauses; for consolidating in One Act certain Provisions frequently inserted in Acts relating to Railways - - - -	(G. B. & I.)	92.
——————— for consolidating in One Act certain Provisions frequently inserted in Acts relating to Waterworks - - - -	(G. B. & I.)	93.
——————— for consolidating in One Act certain Provisions frequently inserted in Acts relating to the Constitution and Management of Companies incorporated for carrying on Undertakings of a public Nature - - - - - - - - - - -	(G. B. & I.)	118.
Construction, &c. of Telegraphs; to regulate the Exercise of Powers under Special Acts for the Construction and Maintenance of Telegraphs - - - - - - - - - - - -	(U. K.)	112.
Contracts (Waywardens); to prevent Waywardens contracting for Works within their own District - - - - - - - -	(E.)	61.
Conveyance of Land; to further amend the Law relating to the Conveyance of Land for Charitable Uses - - - - - - -	(E.)	106.
Cornwall, Duchy of; giving Power to sell and dispose of Lands, Parcel of the Possessions of the Duchy of Cornwall, and to purchase other Lands to be annexed thereto, and to regulate future Grants of Leases of the Possessions of the said Duchy; and for other Purposes -	(E.)	49.
Corrupt Practices at Elections; to amend and continue the Law relating to Corrupt Practices at Elections of Members of Parliament - -	(G. B. & I.)	29.
County Justices; to amend the Law relating to the Jurisdiction of Justices residing or being out of the County for which they are Justices	(E.)	77.
Courts of the Church of Scotland; for removing Doubts as to the Powers of the Courts of the Church of Scotland, and extending the Powers of the said Courts - - - - - - - - -	S.	47.
Criminal Proceedings, Oaths in; to give Relief to Persons who may refuse or be unwilling, from alleged conscientious Motives, to be sworn in Criminal Proceedings in Scotland - - - - - -	S.	85.
Crops (Growing); to amend the Law relating to the Seizure of Growing Crops in Ireland - - - - - - - - - - -	(I.)	62.
Croydon. *See* Local Government.		
Customs and Inland Revenue; to grant certain Duties of - - -	(U. K.)	22.
——————— for altering the Duties on Tobacco, and permitting the Manufacture of Cavendish and Negrohead in Bond -	(U. K.)	7.
——————— *See* also Excise. Inland Revenue.		

D.

Dartmouth. *See* Piers and Harbours.		
Deal. *See* Piers and Harbours.		
Deaths; for the Registration of Births and Deaths in Ireland - -	(I.)	11.
Debenham. *See* Hitcham's Charity.		
Denmark, Princess Alexandra of. *See* Prince and Princess of Wales.		
Desertion. *See* Mutiny.		

		Cap.
Dioceses of Canterbury, &c.; for carrying into effect the Report of the Commissioners appointed to inquire into the State of the Dioceses of Canterbury, London, Winchester, and Rochester; and for other Purposes - - - - - - - - - - - - -	(E.)	36.
Diseased Meat; to amend the Nuisances Removal Act for England, 1855 (18 & 19 Vict. c. 121.), with respect to the Seizure of diseased and unwholesome Meat - - - - - - - - - -	(E.)	117.
Disembodied Militia. *See* Militia.		
Distress in Manufacturing Districts; to facilitate the Execution of Public Works in certain Manufacturing Districts; to authorise for that purpose Advances of Public Money to a limited Amount upon Security of Local Rates; and to shorten the Period for the Adoption of "The Local Government Act, 1858," (21 & 22 Vict. c. 98,) in certain Cases - - - - - - - - - - - -	(E.)	70.
——— *See* also Union Relief Aid.		
District Parochial Churches; to amend the Law relating to District Parochial Churches in Ireland - - - - - - - - -	(I.)	123.
Dockyards; to authorise further Harbour Regulations for the Protection of Her Majesty's Ships, Dockyards, and Naval Stations - -	(U. K.)	30.
——— *See* also Fortifications.		
Dogs; to render Owners of Dogs in Scotland liable in certain Cases for Injuries done by their Dogs to Sheep and Cattle - - -	(S.)	100.
Dover, Port of. *See* Fortifications.		
Drainage and Improvement of Land; to enable Landed Proprietors to construct Works for the Drainage and Improvement of Lands in Ireland - - - - - - - - - - - - -	(I.)	88.
——— to facilitate the Drainage of Land in Ireland - - - - - - - - - - - - -	(I.)	26.
——— to confirm certain Provisional Orders under the Land Drainage Act, 1861 (24 & 25 Vict. c. 133) -	(E.)	63.
——— *See* also Mill Sites.		
Drainage of the Metropolis; to extend the Powers of the Act 21 & 22 Vict. c. 104, relating to the Main Drainage of the Metropolis - -	(E.)	68.
Duchy of Cornwall; giving Power to sell and dispose of Lands, Parcel of the Possessions of the Duchy of Cornwall, and to purchase other Lands to be annexed thereto, and to regulate future Grants of Leases of the Possessions of the said Duchy; and for other Purposes -	(E.)	49.
Duties, Rates and Taxes. *See* Coal and Wine Duties. Customs and Inland Revenue. Excise Duty. Inland Revenue. Land Tax. Rum Duty. Tobacco Duties.		
Dyeing Works; to amend the Act 23 & 24 Vict. c. 78, for placing the Employment of Women, young Persons, and Children in Bleaching Works and Dyeing Works under the Regulations of the Factories Act - - - - - - - - - - - - -	(G. B. & I.)	38.
E.		
East India. *See* Mutiny.		
Elections, Parliamentary; to amend and continue the Law relating to Corrupt Practices at Elections of Members of Parliament - -	(G. B. & I.)	29.
——— to further limit and define the Time for proceeding to Election during the Recess - - - - - - -	(U. K.)	20.
Embankment of the Thames; for the Embankment of Part of the River Thames, on the South Side thereof, in the Parish of Saint Mary, Lambeth, and for other Purposes - - - - - - - - -	(E.)	75.
——— for making a new Street from Blackfriars to the Mansion House in the City of London in connexion with the Embankment of the River Thames on the Northern Side of that River; and for other Purposes - - - - - - - - -	(E.)	45.
Employment of the Poor. *See* Public Works and Fisheries.		
Employment of Women, &c. *See* Bleaching and Dyeing Works.		

		Cap.
Employments, &c., Qualifications for. *See* Indemnity.		
English Church Services in Wales; to empower the Bishops of Welsh Dioceses to facilitate the making Provision for English Services in certain Parishes in Wales - - - - - - - - - -	(W.)	82.
Establishment of the Prince and Princess of Wales. *See* Prince and Princess of Wales.		
Exchange, Bills of. *See* Bills of Exchange, &c.		
Exchequer Bonds; for raising the sum of 1,000,000 *l.* by Exchequer Bonds for the Service of the Year 1863 - - - - - -	(U. K.)	16.
Excise Duty; to extend the Credit for Payment of a Portion of the Excise Duty on Malt - - - - - - - - - - -	(U. K.)	3.
——————— *See* also Inland Revenue.		
Exhibition Medals; to prevent false Representations as to Grants of Medals or Certificates made by the Commissioners for the Exhibitions of 1851 and 1862 - - - - - - - - - - -	(U. K.)	119.
Exmouth. *See* Piers and Harbours.		
Expiring Laws Continuance; for continuing various Expiring Acts -	(G. B. & I.)	95.

F.

Factories Acts. *See* Bleaching and Dyeing Works.		
Fish—Fisheries; to amend the Laws relating to Fisheries in Ireland -	(I.)	114.
——————— for prohibiting the Exportation of Salmon at certain Times - - - - - - - - - - - - - - -	(G. B. & I.)	10.
——————— to continue the Powers of the Commissioners under the Salmon Fisheries (Scotland) Act (25 & 26 Vict. c. 97) until the First Day of January One thousand Eight hundred and Sixty-five, and to amend the said Act - - - - - - - - - -	(S.)	50.
——————— *See* also Public Works and Fisheries.		
Fortifications; for providing a further Sum towards defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenals and Dockyards and the Ports of Dover and Portland, and of erecting a Central Arsenal - - - - - -	(G. B. & I.)	80.
Framlingham. *See* Hitcham's Charity.		

G.

Game. *See* Hares, Sale of.		
Gardens in Towns; for the Protection of certain Garden or Ornamental Grounds in Cities and Boroughs - - - - - - - - -	(E.)	13.
Gas (Muriatic Acid); for the more effectual Condensation of Muriatic Acid Gas in Alkali Works - - - - - - - - - -	(G. B. & I.)	124.
Gold Coin. *See* Sydney Branch Mint.		
Government of the Cayman Islands, for the - - - - - -	(U. K.)	31.
Government of British Columbia; to define the Boundaries of the Colony of British Columbia, and to continue the Act 21 & 22 Vict. c. 99, to provide for the Government of the said Colony - - - -	(U. K.)	83.
Grain and Seed (Poisoned); to prohibit the Sale and Use of - -	(G. B. & I.)	113.
Grants of Leases. *See* Duchy of Cornwall.		
Gratuitous Trustees; to explain the Act 24 & 25 Vict. c. 84, for the Amendment of the Law relative to gratuitous Trustees in Scotland -	(S.)	115.
Greenwich Hospital; to enable Provision to be made out of the Funds of Greenwich Hospital for the Widows of Seamen and Marines slain, killed or drowned in the Sea Service of the Crown - - - - -	(U. K.)	67.
Growing Crops Seizure; to amend the Law relating to the Seizure of growing Crops in Ireland - - - - - - - - - -	(I.)	62.

H.

		Cap.
Harbours; to authorise further Harbour Regulations for the Protection of Her Majesty's Ships, Dockyards, and Naval Stations	(U. K.)	30
——— to amend, so far as regards Advances for the Purposes of "The Harbours and Passing Tolls, &c. Act, 1861," (24 & 25 Vict. c. 47), certain of the Acts authorising the Advance of Money out of the Consolidated Fund for carrying on Public Works and Fisheries, and Employment of the Poor	(G. B.)	81.
——— to authorise the taking of Harbour Dues at Port Erin, in the Isle of Man, in order to provide a Fund for the Improvement of the Harbour; and for other Purposes	(E.)	86.
——— for confirming certain Provisional Orders made by the Board of Trade under "The General Pier and Harbour Act, 1861" (24 & 25 Vict. c. 45), relating to Blackpool, Deal and Walmer, Exmouth, Rosehearty, Ilfracombe, Instow, Bangor, Chatham, Bray, Dartmouth and Nairn	(G. B. & I.)	104.
——— for the Preservation and Improvement of Harwich Harbour	(E.)	71.
——— for the further Improvement of the Harbour of Howth	(E.)	72.
Hares, Sale of; to amend the Law relative to the Sale of Hares in Ireland	(I.)	19.
Harwich Harbour, for the Preservation and Improvement of	(E.)	71.
Hitcham's Charity; for confirming a Scheme of the Charity Commissioners for the Management of the Charity of Sir Robert Hitcham, Knight, King's Serjeant, for the benefit of Framlingham, Debenham, and Levington (Suffolk), and of Coggeshall (Essex)	(E.)	58.
Holborn Hill Improvement. *See* London Coal and Wine Duties.		
Holders of Public Stocks, to give further Facilities to	(G. B. & I.)	28.
Holywell. *See* Local Government.		
Howth Harbour, for the further Improvement of	(E.)	72.

I.

Ilfracombe. *See* Piers and Harbours.		
Illegitimate Children; to amend the Law enabling Boards of Guardians to recover Costs of Maintenance of Illegitimate Children in certain Cases in Ireland	(I.)	21.
Improvement of Land; to enable Landed Proprietors to construct Works for the Drainage and Improvement of Lands in Ireland	(I.)	88.
——— ——— ——— *See* also Drainage, &c.		
Improvement of Towns. *See* Police and Improvement.		
Inclosure of Land; to authorise the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales	(E.)	18.
——— ——— to authorise the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners	(E.)	39.
Indemnity; to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively	(G. B. & I.)	107.
India Stock, to give further Facilities to the Holders of	(U. K.)	73.
Inland Revenue; granting to Her Majesty certain Duties of Inland Revenue; and to amend the Laws relating to the Inland Revenue	(U. K.)	33.
——— ——— to grant certain Duties of Customs and Inland Revenue	(U. K.)	22.
——— ——— to reduce the Duty on Rum in certain Cases	(U. K.)	102.
Innkeepers' Liability; to amend the Law respecting the Liability of Innkeepers, and to prevent certain Frauds upon them	(G. B. & I.)	41.

		Cap.
Instow. *See* Piers and Harbours.		
Investment of Monies. *See* Savings Banks.		
Ireland, Acts relating specially to. *See* Births and Deaths Registration. Church in Ireland. District Parochial Churches. Drainage and Improvement of Land. Fish—Fisheries. Growing Crops. Hares, Sale of. Illegitimate Children. Irish Fisheries. Land. Marriages. Mill Sites. Parochial Churches. Petty Sessions. Prisons. Registration of Births, &c. Vaccination.		
Irish Fisheries; to amend the Laws relating to Fisheries in Ireland -	(I.)	114.
Irish Poor, Removal of. *See* Poor.		
Isle of Man; to authorise the taking of Harbour Dues at Port Erin, in the Isle of Man, in order to provide a Fund for the Improvement of the Harbour, &c. - - - - - - - - - -	(E.)	86.

J.

Judges Circuits; to enable Her Majesty in Council to make Alterations in the Circuits of the Judges - - - - - - - - -	(E.)	122.
Justice, Administration of. *See* Admiralty, Court of. Africa (South). Alterations in Judges Circuits. Corrupt Practices at Elections. Criminal Proceedings. Gratuitous Trustees. Justices, Jurisdiction of. Liability of Innkeepers. Magistrates, Stipendiary. Misappropriation by Servants. Oaths Relief. Personal Violence. Petty Sessions. Prisons. Seizure of Growing Crops. Vice Admiralty Courts.		
Justices, Jurisdiction of; to amend the Law relating to the Jurisdiction of Justices residing or being out of the County for which they are Justices - - - - - - - - - - - - -	(E.)	77.

K.

Kingston-upon-Hull. *See* Local Government.		

L.

Lambeth. *See* Thames Embankment (South Side).		
Land, Conveyance of; to further amend the Law relating to the Conveyance of Land for Charitable Uses - - - - - - -	(U. K.)	106.
Land, Drainage of; to facilitate the Drainage of Land in Ireland -	(I.)	26.
——————— to enable Landed Proprietors to construct Works for the Drainage and Improvement of Lands in Ireland - - -	(I.)	88.
——————— to confirm certain Provisional Orders under the Land Drainage Act, 1861 (24 & 25 Vict. c. 133) - - - -	(E.)	63.
Land Tax Commissioners; to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes - - - - - - - - - - - - -	(G. B.)	101.
Lands. *See* Commons Inclosure. Drainage, &c. Duchy of Cornwall. Postmaster General.		
Laws (Expiring); for continuing various Expiring Acts - - -	(G. B. & I.)	95.
Leases, Grants of. *See* Duchy of Cornwall.		
Legal Tender. *See* Sydney Branch Mint.		
Legislatures, Colonial; to confirm certain Acts of Colonial Legislatures	(U. K.)	84.
——————— *See* also Colonial Clergy.		
Leith; to confirm a certain Provisional Order under the General Police and Improvement (Scotland) Act, 1862 (25 & 26 Vict. c. 101), relating to the Burgh of Leith - - - - - - - - - -	(S.)	60.
Letters Patent (Colonies); to determine the Time at which Letters Patent shall take effect in the Colonies - - - - - - -	(U. K.)	76.
Levington. *See* Hitcham's Charity.		

		Cap.
Liability of Innkeepers; to amend the Law respecting the Liability of Innkeepers, and to prevent certain Frauds upon them - - -	(G. B. & I.)	41.
Lists and Ballots for the Militia. *See* Militia.		
Llanelly. *See* Local Government.		
Loan Societies, to make perpetual an Act (3 & 4 Vict. c. 110), to amend the Laws relating to - - - - - - - - -	(E.)	56.
Local Government of Towns; for amending the Local Government Act, 1858 (21 & 22 Vict. c. 98) - - - - - - - - -	(E.)	17.
——— to confirm certain Provisional Orders under the Local Government Act, 1858 (21 & 22 Vict. c. 98), relating to the Districts of Basford, Teignmouth, Kingston-upon-Hull, Nottingham, Bradford, Ryde, Bedford, Croydon, Batley, Berwick-upon-Tweed, Sheerness and Bromsgrove - - - - - -	(E.)	32.
——— to confirm certain Provisional Orders under the Local Government Act, 1858 (21 & 22 Vict. c. 98), relating to the Districts of Plymouth, Holywell, Llanelly, West Ham, Worthing, Aberavon and Wallasey - - - - - - - -	(E.)	64.
——— to facilitate the Execution of Public Works in certain Manufacturing Districts; to authorise for that purpose Advances of Public Money to a limited Amount upon Security of Local Rates; and to shorten the Period for the Adoption of "The Local Government Act, 1858" (21 & 22 Vict. c. 98), in certain Cases - - - - - - - - - - - - -	(E.)	70.
London (Improvements); for making a new Street from Blackfriars to the Mansion House, in the City of London, in connexion with the Embankment of the River Thames on the Northern Side of that River; and for other Purposes - - - - - - - -	(E.)	45.
London Coal and Wine Duties; for further continuing and appropriating the London Coal and Wine Duties [Holborn Hill Improvements]	(E.)	46.
London, &c. Dioceses; for carrying into effect the Report of the Commissioners appointed to inquire into the State of the Dioceses of Canterbury, London, Winchester and Rochester; and for other Purposes - - - - - - - - - - - - -	(E.)	36.
Lord Chancellor's Presentations; for the Augmentation of certain Benefices, the Right of Presentation to which is vested in the Lord Chancellor - - - - - - - - - - - -	(E.)	120.
Lunatics; to amend the Lunacy Acts in relation to the building of Asylums for Pauper Lunatics - - - - - - - -	(E.)	110.

M.

Magistrates, Stipendiary; to enable Cities, Towns, and Boroughs of Twenty-five thousand inhabitants and upwards to appoint Stipendiary Magistrates - - - - - - - - - - - -	(E.)	97.
Main Drainage of the Metropolis; to extend the Powers of the Act 21 & 22 Vict. c. 104, relating to the Main Drainage of the Metropolis - - - - - - - - - - - -	(E.)	68.
Malt Duty; to extend the Credit for Payment of a Portion of the Excise Duty on Malt - - - - - - - - - -	(U. K.)	3.
Man, Isle of. *See* Isle of Man.		
Manufacturing Districts. *See* Distress. Union Relief Aid.		
Marine Mutiny; for the Regulation of Her Majesty's Royal Marine Forces while on Shore - - - - - - - - - -	(U. K.)	9.
Marines, Widows of. *See* Greenwich Hospital.		
Marriage of the Prince of Wales. *See* Prince and Princess of Wales.		
Marriages; to amend the Law relating to Marriages in Ireland - -	(I.)	27.
——— to provide for the Registration of Marriages in Ireland -	(I.)	90.
Meat, Diseased; to amend the Nuisances Removal Act for England, 1855 (18 & 19 Vict. c. 121) with respect to the Seizure of diseased and unwholesome Meat - - - - - - - - - -	(E.)	117.

		Cap.
Medals (Exhibition); to prevent false Representations as to Grants of Medals or Certificates made by the Commissioners for the Exhibitions of 1851 and 1862	(U. K.)	119.
Medical Supplemental Fund; to amend the Naval Medical Supplemental Fund Society Winding-up Act, 1861 (24 & 25 Vict. c. 108)	(U. K.)	111.
Members of Parliament. *See* Parliamentary Elections.		
Metropolis Turnpike Roads; to amend the Acts 7 Geo. 4, c. 142 and 10 Geo. 4, c. 59, &c. relating to the Turnpike Roads in the Neighbourhood of the Metropolis North of the River Thames	(E.)	78.
Metropolitan Main Drainage; to extend the Powers of the Act 21 & 22 Vict. c. 104, relating to the Main Drainage of the Metropolis	(E.)	68.
Militia; to suspend the making of Lists and the Ballots for the Militia of the United Kingdom	(G. B. & I.)	53.
——— to defray the Charge of the Pay, Clothing, and Contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorise the Employment of the Non-commissioned Officers	(G. B. & I.)	37.
Mill Sites; to amend the Act 20 & 21 Vict. c. 23, authorising the Sale of Mill Sites and Water Powers by the Commissioners of Public Works in Ireland	(I.)	42.
Ministers (Prison); for the Amendment of the Law relating to the Religious Instruction of Prisoners in County and Borough Prisons in England and Scotland	(E. & S.)	79.
Mint (Sydney); to enable Her Majesty to declare Gold Coins to be issued from Her Majesty's Branch Mint at Sydney, New South Wales, a legal Tender for Payments; and for other Purposes relating thereto	(U. K.)	74.
Misappropriation by Servants; to amend the Law in certain Cases of Misappropriation by Servants of the Property of their Masters	(E.)	103.
Muriatic Acid Gas; for the more effectual Condensation of Muriatic Acid Gas in Alkali Works	(G. B. & I.)	124.
Mutiny; for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters	(U. K.)	8.
——— for the Regulation of Her Majesty's Royal Marine Forces while on Shore	(U. K.)	9.
——— to repeal the Act 20 & 21 Vict. c. 66, for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company, and for regulating in such Service the Payment of Regimental Debts and the Distribution of the Effects of Officers and Soldiers dying in the Service	(U. K.)	48.
——— to consolidate and amend the Acts relating to the Payment of Regimental Debts, and the Distribution of the Effects of Officers and Soldiers in case of Death, and to make like Provision for the Cases of Desertion and Insanity, and other Cases	(U. K.)	57.

N.

Nairn. *See* Piers and Harbours.		
Naval Coast Volunteers; to amend the Law relating to the Royal Naval Coast Volunteers	(U. K.)	5.
Naval Medical Supplemental Fund Society; to amend the Naval Medical Supplemental Fund Society Winding-up Act, 1861 (24 & 25 Vict. c. 108)	(U. K.)	111.
Naval Reserve; to establish Officers of the Royal Naval Reserve	(U. K.)	69.
Naval Stations, &c.; to authorise further Harbour Regulations for the Protection of Her Majesty's Ships, Dockyards, and Naval Stations	(U. K.)	30.
Navy Prize Agents; to provide for the Appointment of Navy Prize Agents, and respecting their Duties and Remuneration	(U. K.)	116.

		Cap.
Negotiation of Promissory Notes and Bills of Exchange. *See* Bills of Exchange, &c.		
Negrohead Tobacco. *See* Tobacco Duties.		
New Street. *See* Thames Embankment (North Side).		
New Zealand; to alter the Boundaries of - - - - - - -	(U. K.)	23.
Nottingham. *See* Local Government.		
Nuisances Removal; to amend the Nuisances Removal Act for England, 1855 (18 & 19 Vict. c. 121) with respect to the Seizure of diseased and unwholesome Meat - - - - - - - - - -	(E.)	117.

O.

Oaths Relief; to give Relief to Persons who may refuse or be unwilling, from alleged conscientious Motives, to be sworn in Criminal Proceedings in Scotland - - - - - - - - - - - -	(S.)	85.
Offences (South Africa). *See* South Africa.		
Officers of Royal Naval Reserve; to establish Officers of the Royal Naval Reserve - - - - - - - - - - -	(U. K.)	69.
Offices, Qualifications for; to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively - - - - - - - - - - -	(G. B. & I.)	107.
Ornamental Grounds. *See* Gardens in Towns.		

P.

Parliamentary Elections; to amend and continue the Law relating to Corrupt Practices at Elections of Members of Parliament - -	(G. B. & I.)	29.
——————— to further limit and define the Time for proceeding to Election during the Recess - - - - - -	(U. K.)	20.
Parochial Churches; to amend the Law relating to District Parochial Churches in Ireland - - - - - - - - - - -	(I.)	123.
Passengers Act; to amend the Passengers Act, 1855 (18 & 19 Vict. c. 119) - - - - - - - - - - - -	(U. K.)	51.
Passing Tolls. *See* Harbours.		
Pauper Lunatic Asylums; to amend the Lunacy Acts in relation to the Building of Asylums for Pauper Lunatics - - - - -	(E.)	110.
Personal Violence, Security from; for the further Security of the Persons of Her Majesty's Subjects from Personal Violence - -	(E. & I.)	44.
Petty Sessions; to amend the Petty Sessions (Ireland) Act, 1851 (14 & 15 Vict. c. 93), and the Petty Sessions Clerks (Ireland) Act, 1858 (21 & 22 Vict. c. 100) - - - - - - - - -	(I.)	96.
Piers and Harbours; for confirming certain Provisional Orders made by the Board of Trade under "The General Pier and Harbour Act, 1861" (24 & 25 Vict. c. 45), relating to Blackpool, Deal and Walmer, Exmouth, Rosehearty, Ilfracombe, Instow, Bangor, Chatham, Bray, Dartmouth, and Nairn - - - - - - - - - -	(G. B. & I.)	104.
Plymouth. *See* Local Government.		
Poisoned Grain, &c.; to prohibit the Sale and Use of Poisoned Grain or Seed - - - - - - - - - - - - -	(G. B. & I.)	113.
Police and Improvement; to confirm a certain Provisional Order under the General Police and Improvement (Scotland) Act, 1862 (25 & 26 Vict. c. 101), relating to the Burgh of Leith - - - - - -	(S.)	60.
Poor—Poor Laws; to continue the Poor Law Board - - -	(E.)	55.
——————— to extend for a further Period the Provisions of the Union Relief Aid Act (25 & 26 Vict. c. 110) - - - - - -	(E.)	4.

		Cap.
Poor—Poor Laws; to extend for a further Period the Provisions of the Union Relief Aid Acts	(E.)	91.
——— for the further Amendment of the Law relating to the Removal of Poor Persons, Natives of Ireland, from England	(E. & I.)	89.
——— to amend the Law enabling Boards of Guardians to recover Costs of Maintenance of Illegitimate Children in certain Cases in Ireland	(I.)	21.
Port Erin Harbour; to authorise the taking of Harbour Dues at Port Erin in the Isle of Man, in order to provide a Fund for the Improvement of the Harbour; and for other Purposes	(E.)	86.
Portland, Port of. *See* Fortifications.		
Post Office Lands; to enable Her Majesty's Postmaster General to sell and otherwise dispose of Land	(U. K.)	43.
Post Office Savings Banks; to amend the Law relating to Post Office Savings Banks	(G. B. & I.)	14.
Prince and Princess of Wales; to enable Her Majesty to provide for the Establishment of His Royal Highness the Prince of Wales and Her Royal Highness the Princess Alexandra of Denmark, and to settle certain Annuities on Her Royal Highness	(U. K.)	1.
——— to make Provision concerning Bills of Exchange and Promissory Notes payable in the Metropolis on the Day appointed for the Passage through the Metropolis of Her Royal Highness the Princess Alexandra of Denmark	(E.)	2.
Prisons—Prisoners; for the Amendment of the Law relating to the Religious Instruction of Prisoners in County and Borough Prisons in England and Scotland	(E. & S.)	79.
——— to amend the Law relating to Prisons in Ireland	(I.)	66.
——— for remedying certain Defects in the Law relating to the Removal of Prisioners in Scotland	(S.)	109.
Prize Agents (Navy); to provide for the Appointment Navy Prize Agents, and respecting their Duties and Remuneration	(U. K.)	116.
Promissory Notes and Bills of Exchange; to remove certain Restrictions on the Negotiation of Promissory Notes and Bills of Exchange under a limited Sum	(E.)	105.
——— *See* also Bills of Exchange, &c.		
Provisional Orders. *See* Piers and Harbours. Local Government. Turnpike Roads and Trusts.		
Public Stocks, to give further Facilities to the Holders of	(G. B. & I.)	28.
Public Works, &c.; to facilitate the Execution of Public Works in certain Manufacturing Districts; to authorise for that purpose Advances of Public Money to a limited Amount upon Security of Local Rates; and to shorten the Period for the Adoption of "The Local Government Act, 1858," (21 & 22 Vict. c. 98), in certain Cases	(E.)	70.
——— to amend, so far as regards Advances for the Purposes of "The Harbours and Passing Tolls, &c. Act, 1861," (24 & 25 Vict. c. 47,) certain of the Acts authorising the Advance of Money out of the Consolidated Fund for carrying on Public Works and Fisheries and Employment of the Poor	(G. B.)	81.

Q.

Qualifications for Offices; to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the time limited for those Purposes respectively	(G. B. & I.)	107.

R.

Railways; for consolidating in One Act certain Provisions frequently inserted in Acts relating to Railways	(G. B. & I.)	92.

		Cap.
Rates, Duties, and Taxes. *See* Coal and Wine Duties. Customs and Inland Revenue. Excise Duties. Inland Revenue Land Tax. Rum Duty. Tobacco Duties.		
Recess of Parliament. *See* Parliamentary Elections.		
Regimental Debts, &c.; to repeal the Act 20 & 21 Vict. c. 66, for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company, and for regulating in such Service the Payment of Regimental Debts and the Distribution of the Effects of Officers and Soldiers dying in the Service - - -	(U. K.)	48.
——— to consolidate and amend the Acts relating to the Payment of Regimental Debts, and the Distribution of the Effects of Officers and Soldiers in case of Death, and to make like Provision for the Cases of Desertion and Insanity, and other Cases - - - - - - - - - - - -	(U. K.)	57.
Registration of Births, &c.; for the Registration of Births and Deaths in Ireland - - - - - - - - - - - - -	(I.)	11.
——— to provide for the Registration of Marriages in Ireland - - - - - - - - - - - - -	(I.)	90.
Relief of the Poor. *See* Poor.		
Religious Instruction of Prisoners. *See* Prisons.		
Removal of Irish Poor; for the further Amendment of the Law relating to the Removal of Poor Persons, Natives of Ireland, from England - - - - - - - - - - - - -	(E. & I.)	89
Removal of Prisoners; for remedying certain Defects in the Law relating to the Removal of Prisoners in Scotland - - - - -	(S.)	109.
Repeal of Acts. *See* Revision of the Statute Law.		
Revision of the Statute Law; for promoting the Revision of the Statute Law by repealing certain Enactments which have ceased to be in force, or have become unnecessary - - - - - - - -	(U. K.)	125.
Rochester, Diocese of. *See* London, &c. Dioceses.		
Roschearty. *See* Piers and Harbours.		
Royal Arsenals. *See* Fortifications.		
Royal Naval Coast Volunteers; to amend the Law relating to the Royal Naval Coast Volunteers - - - - - - - - -	(U. K.)	5.
Royal Naval Reserve; to establish Officers of the Royal Naval Reserve - - - - - - - - - - - - - - -	(U. K.)	69.
Rum Duty; to reduce the Duty on Rum in certain Cases - - -	(U. K.	102.
Ruthin Charities; for confirming a Scheme of the Charity Commissioners for the Management of the Charities in the Borough of Ruthin (Denbigh), comprising the Hospital of Christ and its subsidiary Endowments, the Grammar School, Edward Lloyd's Foundation, and Bishop Goodman's Charity - - - - - -	(E.)	59.
Ryde. *See* Local Government		

S.

Sale of Hares, to amend the Law relative to, in Ireland - - -	(I.)	19.
Sale of Land. *See* Land.		
Sale of Mill Sites; to amend the Act 20 & 21 Vict. c. 23, authorizing the Sale of Mill Sites and Water Powers by the Commissioners of Public Works in Ireland - - - - - - - - -	(I.)	42.
Salmon Exportation; for prohibiting the Exportation of Salmon at certain Times - - - - - - - - - - - - -	(G. B. & I.)	10.
Salmon Fisheries; to continue the Powers of the Commissioners under the Salmon Fisheries (Scotland) Act (25 & 26 Vict. c. 97), until the First day of January One thousand Eight hundred and Sixty-five, and to amend the said Act - - - - - - - - - -	(S.)	50.

		Cap.
Savings Banks; to consolidate and amend the Laws relating to Savings Banks	(G. B. & I.)	87.
——— to make further Provision for the Investment of the Monies received by the Commissioners for the Reduction of the National Debt from the Trustees of Savings Banks established under the Enactments of the Act 9 Geo. 4, c. 92	(E. & I.)	25.
——— to amend the Law relating to Post Office Savings Banks	(G. B. & I.)	14.
Scotland, Acts relating specially to. *See* Church of Scotland. Criminal Proceedings. Dogs. Gratuitous Trustees. Leith. Oaths Relief. Police and Improvement. Prisons. Removal of Prisoners. Salmon Fisheries. Sheep and Cattle. Vaccination.		
Seamen's Widows. *See* Greenwich Hospital.		
Secretary at War; to abolish the Office of Secretary at War, and to transfer the Duties of that Office to One of Her Majesty's Principal Secretaries of State	(U. K.)	12.
Security from Violence; for the further Security of the Persons of Her Majesty's Subjects from personal Violence	(E. & I.)	44.
Seed (Poisoned); to prohibit the Sale and Use of poisoned Grain or Seed	(G. B. & I.)	113.
Seizure of Growing Crops, to amend the Law relating to, in Ireland	(I.)	62.
Servants, Misappropriation by; to amend the Law in certain cases of Misappropriation by Servants of the Property of their Masters	(E.)	103.
Services of the Church in Wales; to empower the Bishops of Welsh Dioceses to facilitate the making Provision for English Services in certain Parishes in Wales	(W.)	82.
Sheep and Cattle; to render Owners of Dogs in Scotland liable in certain Cases for Injuries done by their Dogs to Sheep and Cattle	(S.)	100.
Sheerness. *See* Local Government.		
Slave Trade; to carry into effect an additional Article to the Treaty of the Seventh day of April One thousand Eight hundred and Sixty-two, between Her Majesty and the United States of America for the Suppression of the African Slave Trade	(U. K.)	34.
South Africa; for the Prevention and Punishment of Offences committed by Her Majesty's Subjects in South Africa	(U. K.)	35.
Statute Law Revision; for promoting the Revision of the Statute Law by repealing certain Enactments which have ceased to be in force or have become unnecessary	(U. K.)	125.
Stipendiary Magistrates; to enable Cities, Towns, and Boroughs of Twenty-five thousand Inhabitants and upwards to appoint Stipendiary Magistrates	(E.)	97.
Stock Certificates to Bearer; to give further Facilities to the Holders of the Public Stocks	(G. B. & I.)	28.
Supplies. *See* Consolidated Fund.		
Suppression of the Slave Trade. *See* Slave Trade.		
Sydney Branch Mint; to enable Her Majesty to declare Gold Coins to be issued from Her Majesty's Branch Mint at Sydney, New South Wales, a legal Tender for Payments; and for other Purposes relating thereto	(U. K.)	74.

T.

Taxes, Rates, and Duties. *See* Coal and Wine Duties. Customs and Inland Revenue. Excise Duty. Land Tax. Rum Duty. Tobacco Duties.		
Teignmouth. *See* Local Government.		
Telegraphs, to regulate the Exercise of Powers under Special Acts for the Construction and Maintenance of	(U. K.)	112.

		Cap.
Thames Embankment (North Side); for making a new Street from Blackfriars to the Mansion House in the City of London in connexion with the Embankment of the River Thames on the Northern Side of that River	(E.)	45.
Thames Embankment (South Side); for the Embankment of Part of the River Thames, on the South Side thereof, in the Parish of Saint Mary, Lambeth	(E.)	75.
Tobacco Duties; for altering the Duties on Tobacco, and permitting the Manufacture of Cavendish and Negrohead in Bond	(U. K.)	7.
Towns, Gardens in; for the Protection of certain Garden or Ornamental Grounds in Cities and Boroughs	(E.)	13.
Treaty. *See* African Slave Trade.		
Trustees (Gratuitous); to explain the Act 24 & 25 Vict. c. 84, for the Amendment of the Law relative to gratuitous Trustees in Scotland	(S.)	115.
Trustees of Savings Banks. *See* Savings Banks.		
Turnpike Roads and Trusts; to amend the Law relating to the Repair of Turnpike Roads in England, and to continue certain Turnpike Acts in Great Britain	(G. B.)	94.
——— to confirm certain Provisional Orders made under the Act 14 & 15 Vict. c. 38, to facilitate Arrangements for the Relief of Turnpike Trusts	(E.)	98.
——— to amend the Acts 7 Geo. 4, c. 142, and 10 Geo. 4, c. 59, &c. relating to the Turnpike Roads in the Neighbourhood of the Metropolis North of the River Thames	(E.)	78.

U.

Union Relief Aid; to extend for a further Period the Provisions of the Union Relief Aid Act of the last Session (25 & 26 Vict. c. 110)	(E.)	4.
——— to extend for a further Period the Provisions of the Union Relief Aid Acts	(E.)	91.
United States; to carry into effect an additional Article to the Treaty of the Seventh day of April One thousand Eight hundred and Sixty-two, between Her Majesty and the United States of America for the Suppression of the African Slave Trade	(U. K.)	34.
Unwholesome Meat. *See* Diseased Meat.		

V.

Vaccination; to further extend and make compulsory the Practice of Vaccination in Ireland	(I.)	52.
——— to extend and make compulsory the Practice of Vaccination in Scotland	(S.)	108.
Vice Admiralty Courts; to facilitate the Appointment of Vice Admirals and of Officers in Vice Admiralty Courts in Her Majesty's Possessions Abroad, and to confirm the past Proceedings, to extend the Jurisdiction, and to amend the Practice of those Courts	(U. K.)	24.
Violence, Security from; for the further Security of the Persons of Her Majesty's Subjects from personal Violence	(E. & I.)	44.
Volunteers; to consolidate and amend the Acts relating to the Volunteer Force in Great Britain	(G. B.)	65.
Volunteers (Naval). *See* Naval Coast Volunteers.		

W.

Wales, Prince and Princess of. *See* Prince and Princess of Wales.

Wallasey. *See* Local Government.

Walmer (Kent). *See* Piers and Harbours. War Department.

		Cap.
War Department; for vesting in Her Majesty's Principal Secretary of State for the War Department certain Lands and Hereditaments at Walmer (Kent) - - - - - - - - - - - -	(E.)	54.
——— *See also* Secretary at War.		
Water Power. *See* Mill Sites.		
Waterworks; for consolidating in One Act certain Provisions frequently inserted in Acts relating to Waterworks - - - -	(G. B. & I.)	93.
Waywardens Contracts; to prevent Waywardens contracting for Works within their own District - - - - - - - - - -	(E.)	61.
Welsh Dioceses; to empower the Bishops of, to facilitate the making Provision for English Services in certain Parishes in Wales - -	(W.)	82.
West Ham. *See* Local Government.		
Widows of Seamen, &c.; to enable Provision to be made out of the Funds of Greenwich Hospital for the Widows of Seamen and Marines slain, killed, or drowned in the Sea Service of the Crown -	(U. K.)	67.
Winchester, Diocese of. *See* London, &c. Dioceses.		
Wine Duties. *See* Coal and Wine Duties.		
Women, Employment of. *See* Bleaching and Dyeing Works.		
Worthing. *See* Local Government.		

Y.

Young Persons. *See* Bleaching and Dyeing Works.		